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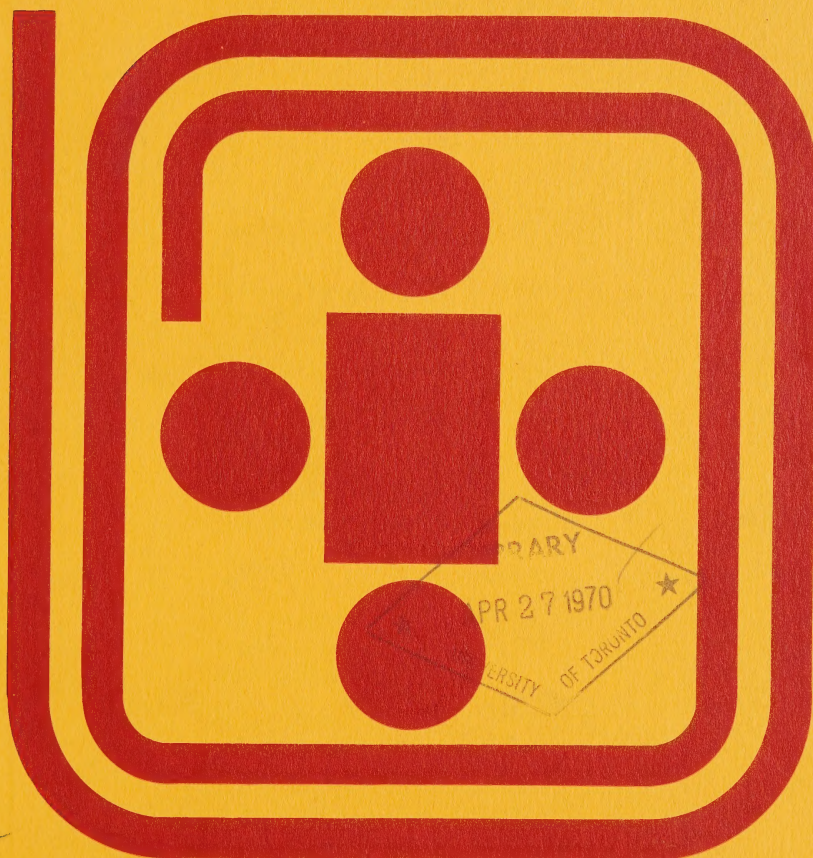
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# Collective Bargaining and the Grievance Procedure in the Federal Public Service

A SELF-INSTRUCTION MANUAL



Canada

Department of Manpower and Immigration  
Ottawa





COLLECTIVE BARGAINING  
AND  
THE GRIEVANCE PROCEDURE  
IN THE  
FEDERAL PUBLIC SERVICE  
A SELF-INSTRUCTION MANUAL

Prepared December, 1967  
Revised September, 1969  
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Staff Training and Development

In Collaboration With The Staff  
Relations Section  
Personnel Service  
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## OBJECTIVES

The objectives of this SELF-INSTRUCTION MANUAL are to provide you with an understanding and knowledge of:

- (A) the legislation called the Public Service Staff Relations Act, assented to the 23rd of February, 1967; and
- (B) the process of collective bargaining and the grievance procedure in the Federal Public Service.

The manual will provide insights into those aspects of collective bargaining and grievances that are needed to perform managerial and supervisory duties effectively within the government service. In this regard, the program will help you to understand the functions of the Public Service Staff Relations Board, the requirements for certification of bargaining agents, the process of negotiation of a collective agreement, the role of the conciliator, the purpose and process of conciliation (including strikes) and arbitration, and the content and framework of the grievance procedure.

Validation of the instructional effectiveness of this program was undertaken with Department of Manpower and Immigration employees functioning in managerial and supervisory capacities. Suggested generalized applications of this program include its use as:

- a training tool, to be used in conjunction with courses on collective bargaining and the grievance procedure;
- a possible framework for a course on this subject; and
- as a self-instructional book for those who wish an introduction to the subject, and for those who wish to review the main principles of collective bargaining and the grievance procedure in the government service.

## INSTRUCTIONS TO THE READER

This manual is written in SELF-INSTRUCTION style. It is designed to have you teach yourself, with a minimum of time and effort on your part.

Although the pages in this SELF-INSTRUCTION MANUAL are numbered serially, you will not necessarily read them in that order. Rather than reading page 7, then turning to page 8, then to page 9, you may find yourself turning from page 7 to page 15 or to page 10 or to page 13. The material is presented in this "scrambled" manner to help you learn at your own rate. At the bottom of each page, you will find instructions telling you which page to read next. You **MUST** follow these instructions, or you can easily become lost.

At the bottom of a page, you will often find a question relating to the information you have just read. You may find a multiple-choice question. In this case, a page number will be given beside each possible answer. After choosing an answer, you turn to the page indicated beside that answer, where you will find out immediately whether you were correct. Other questions will require you to "fill in the blanks". You will then obtain the answers at the top of the page to which you are referred.

You will always find out at once whether your answer to a question is right or wrong. If it is wrong, you will be told why you are wrong, and thus be able to correct your mistake immediately.

Many of the questions are tricky. They are designed to ensure that you understand what you have read. Take your time — there is no time-limit. If you want to go back over anything you don't understand, then by all means do so.

Throughout the manual you will find a number of self-tests that will help you measure how much you have learned. These tests are for your *own* benefit, so don't cheat yourself by peeking at the answers before you have finished the self-test, or by overlooking an error.

## PRE-TEST

Instructions: This pre-test contains 47 questions dealing with collective bargaining and the grievance procedure.

Before you begin reading this SELF-INSTRUCTION MANUAL, answer these questions and record your answers by placing a check (✓) in the space after the answer you choose. If you don't know, or are unsure of an answer, indicate this with a question mark.

Remember, this is a SELF – test. It is only for your *own* benefit. By your answers to these questions, you will get an idea of your present knowledge about collective bargaining and the grievance procedure.

1. Is the Public Service Staff Relations Board composed primarily of employers and their representatives? YES \_\_\_\_\_ NO \_\_\_\_\_
2. Can the Public Service Staff Relations Board order a person to comply with a decision of the Board? YES \_\_\_\_\_ NO \_\_\_\_\_
3. Could certification be granted to a council of employee organizations? YES \_\_\_\_\_ NO \_\_\_\_\_
4. Must an employee organization be certified before it can negotiate a collective agreement? YES \_\_\_\_\_ NO \_\_\_\_\_
5. Can a bargaining unit be composed of employees from more than one occupational category? YES \_\_\_\_\_ NO \_\_\_\_\_
6. Which part of the Public Service has had statutory guidelines established to facilitate initial certification:
  - (a) that section for which the Treasury Board is the employer? YES \_\_\_\_\_ NO \_\_\_\_\_
  - (b) that section under separate employers? YES \_\_\_\_\_ NO \_\_\_\_\_
  - (c) the central administration? YES \_\_\_\_\_ NO \_\_\_\_\_
7. (a) Are occupational categories derived from occupational groups? YES \_\_\_\_\_ NO \_\_\_\_\_
  - (b) Are occupational groups derived from occupational categories? YES \_\_\_\_\_ NO \_\_\_\_\_
8. Can there be more than one bargaining unit within a particular occupational group? YES \_\_\_\_\_ NO \_\_\_\_\_



9. Can a bargaining unit be composed only of supervisors? YES \_\_\_\_\_ NO \_\_\_\_\_
10. Do "bargaining agent" and "bargaining unit" refer to the same group of people?  
YES \_\_\_\_\_ NO \_\_\_\_\_
11. Does an employee organization have to be free of employer influence before it will be certified?  
YES \_\_\_\_\_ NO \_\_\_\_\_
12. Does the bargaining agent have as an exclusive right:
- (a) the right to negotiate a collective agreement that is binding on all the employees it represents? YES \_\_\_\_\_ NO \_\_\_\_\_
- (b) the right to represent employees in the grievance process for a grievance relating to a collective agreement or arbitral award? YES \_\_\_\_\_ NO \_\_\_\_\_
13. Could a representation vote result in revocation of certification?  
YES \_\_\_\_\_ NO \_\_\_\_\_
14. If a bargaining agent signs an agreement, and subsequently loses its certification, can the incoming bargaining agent decide whether that agreement will remain in force for a limited time?  
YES \_\_\_\_\_ NO \_\_\_\_\_
15. Must the process to be used for resolution of disputes be specified before bargaining begins?  
YES \_\_\_\_\_ NO \_\_\_\_\_
16. Can negotiation for a new agreement be initiated at any time during the terms of an agreement?  
YES \_\_\_\_\_ NO \_\_\_\_\_
17. Can the Treasury Board enter into an agreement with a bargaining agent?  
YES \_\_\_\_\_ NO \_\_\_\_\_
18. Can a collective agreement contain any terms or conditions, even if they might require legislative implementation, if the employer and the bargaining agent agree upon them?  
YES \_\_\_\_\_ NO \_\_\_\_\_
19. Can the term of a collective agreement be less than one year?  
YES \_\_\_\_\_ NO \_\_\_\_\_
20. Do the provisions of a new collective agreement have to be implemented before 90 days have elapsed?  
YES \_\_\_\_\_ NO \_\_\_\_\_
21. Must the parties receive a conciliation board report before they can make a request for a conciliator?  
YES \_\_\_\_\_ NO \_\_\_\_\_
22. Does the conciliator settle a dispute by issuing directives? YES \_\_\_\_\_ NO \_\_\_\_\_
23. Could a request for arbitration be made as soon as a request for a conciliator has been refused?  
YES \_\_\_\_\_ NO \_\_\_\_\_

24. Is a strike the next step after arbitration? YES \_\_\_\_\_ NO \_\_\_\_\_
25. Is the Arbitration Tribunal composed of a chairman, and representatives of the party that filed the dispute? YES \_\_\_\_\_ NO \_\_\_\_\_
26. Has the Arbitration Tribunal the power to direct what the settlement shall be? YES \_\_\_\_\_ NO \_\_\_\_\_
27. Does the Secretary of the Public Service Staff Relations Board act as a communications link during arbitration between the Arbitration Tribunal and the two parties? YES \_\_\_\_\_ NO \_\_\_\_\_
28. Can either party appeal an arbitral award? YES \_\_\_\_\_ NO \_\_\_\_\_
29. Which of the following can be the subject matter of an arbitral award:
- (a) aspects dealing with the standards, procedures, and processes of employment? YES \_\_\_\_\_ NO \_\_\_\_\_
- (b) aspects dealing with actual working conditions? YES \_\_\_\_\_ NO \_\_\_\_\_
30. Can the parties resort to conciliation if arbitration has failed? YES \_\_\_\_\_ NO \_\_\_\_\_
31. Are employees who are eligible to go on strike called the "designated" employees? YES \_\_\_\_\_ NO \_\_\_\_\_
32. Do "excluded" employees belong to a bargaining unit? YES \_\_\_\_\_ NO \_\_\_\_\_
33. Must both parties accept the recommendations of the conciliation board report as final and binding? YES \_\_\_\_\_ NO \_\_\_\_\_
34. Does a conciliation board report contain provisions that deal with actual working conditions and standards of discipline? YES \_\_\_\_\_ NO \_\_\_\_\_
35. Could a strike legally occur if a collective agreement has been in force for more than a week? YES \_\_\_\_\_ NO \_\_\_\_\_
36. Does the conciliation process provide for the occurrence of a strike? YES \_\_\_\_\_ NO \_\_\_\_\_
37. A grievance could arise out of the interpretation or application of which of the following:
- (a) collective agreement or arbitral award? YES \_\_\_\_\_ NO \_\_\_\_\_
- (b) directive issued by the employer that relates to terms and conditions of employment? YES \_\_\_\_\_ NO \_\_\_\_\_

go on to the next page

38. Can any employees who do not belong to a bargaining unit resort to the grievance procedure?

YES \_\_\_\_\_ NO \_\_\_\_\_

39. Could a complaint concerning appointment to a position be presented to the grievance process?

YES \_\_\_\_\_ NO \_\_\_\_\_

40. Must an excluded employee be represented by his bargaining agent in the grievance procedure?

YES \_\_\_\_\_ NO \_\_\_\_\_

41. Is the immediate supervisor or local officer-in-charge the one who makes the decision at any level in the grievance procedure?

YES \_\_\_\_\_ NO \_\_\_\_\_

42. Could a grievance be presented four times in a grievance process?

YES \_\_\_\_\_ NO \_\_\_\_\_

43. Does the Deputy Minister make the decision at the final level in the grievance process?

YES \_\_\_\_\_ NO \_\_\_\_\_

44. Could a grievance be presented for adjudication, if the employee is not satisfied with the decision given at the final level?

YES \_\_\_\_\_ NO \_\_\_\_\_

45. Must an employee be represented by his bargaining agent if the grievance relates to the interpretation or application of a collective agreement or arbitral award?

YES \_\_\_\_\_ NO \_\_\_\_\_

46. Is the decision about a grievance relating to a collective agreement or an arbitral award, given at the final level, binding?

YES \_\_\_\_\_ NO \_\_\_\_\_

47. Is the decision of the adjudicator binding on both parties?

YES \_\_\_\_\_ NO \_\_\_\_\_

Instructions: Turn to page 147 and compare your answers with the answers given there. Under the heading "Pre-Test Score", mark a "C" for each question you had correct, and an "X" for each question you answered incorrectly. Consider each of the questions you were unsure of, or had guessed at, as incorrect.



## INTRODUCTION

### **Brief History of Employee Organization in the Public Service**

Government employee organization began near the end of the nineteenth century. Agitation for Civil Service reform grew steadily during the early years of the twentieth century, coincident with the growing strength of trade unions in the private sector.

The first positive steps toward collective action in the government service were taken by postal employees. The Federated Association of Letter Carriers was formed as a national organization in 1891. In 1907 the Civil Service Association of Ottawa was formed to serve headquarters employees, and it became the first association of any significance to accept members from all departments.

Two years later, in 1909, the Civil Service Federation of Canada was formed. It consisted of a loose alliance of the Civil Service Association, the postal associations, and a few other groups. In 1920, the Professional Institute of the Public Service of Canada was organized to improve the status and conditions of service of professional employees in the Public Service.

The Amalgamated Civil Servants of Canada, founded in 1920, merged with the Civil Service Association in 1958 to form the Civil Service Association of Canada. More recently, there has been a merger of the Civil Service Federation and the Association into the Public Service Alliance of Canada.

### **Brief History of Employee-Employer Relations**

Staff Associations have continuously made representations on behalf of their members, and the government has recognized the right of employees to join employee organizations. All the larger departments receive frequent representations on a wide variety of subjects, and, in a number of cases, a regular pattern of consultation has been established.

In 1944 the National Joint Council of the Public Service of Canada was formed. This Council, which is composed of representatives of management and of the Staff Associations, has advised the Treasury Board and Civil Service Commission on matters affecting conditions of employment in the Civil Service. Its recommendations have included such matters as the introduction of the five-day week, check-off of association dues, and the development of the Group Surgical Medical Insurance plan.

Associations became involved in the planning of comparative rates of pay and conditions of employment following the formation of the Pay Research Bureau in 1957, and the Advisory Committee on Pay Research in 1958. The Bureau provided information on compensation and working conditions inside and outside the Civil Service, and the Committee was established to coordinate and consolidate requests which the Treasury Board received from individual associations requiring information and action.

go on to the next page

The process of consultation on pay determination, which arose from the work of the Advisory Committee, was given a legislative base when the Civil Service Act of 1961 made provision for consultation between staff associations and the Civil Service Commission, and between the associations and the Minister of Finance. For a number of reasons, this consultative process was frustrating and was regarded by all concerned as cumbersome and ineffective. In the employee organizations, the dissatisfaction tended to strengthen a growing demand for some form of collective bargaining. Also, recommendations of the Royal Commission on Government Organization which suggested the granting of greater control to departments of their own affairs, added to the concern of employee organizations.

### **Legislation for Collective Bargaining in the Public Service**

The process of collective bargaining includes all negotiations between management and representatives of an organized body of employees. The rights of employees to choose a bargaining agent or union, to elect their own representatives, and to negotiate a contract with their employers are ensured by the collective bargaining process. Collective bargaining may refer either to the process of reaching an agreement (a contract binding on both parties, covering wages, hours of work, and working conditions) or to discussion on the administration, interpretation, or supplementation of a contract already in force.

The July 1965 Report of the Preparatory Committee on Collective Bargaining in the Public Service recommended sweeping changes in classification and pay systems, and proposed a draft of the type of legislation needed to provide a foundation for collective bargaining. The Committee's recommendations have resulted in a massive reclassification and review program, and Parliament has since passed the *Public Service Staff Relations Act*.

This Act removes from government its traditional authority for determining unilaterally the terms and conditions of employment of public servants. It permits agents of the employer and representatives of the employees to negotiate a collective agreement, binding on both parties. When agreement cannot be reached, the Act provides machinery for settling disputes. Authority is given to the Public Service Staff Relations Board under the Act to see that agreements and awards are promptly implemented and effectively administered. The Act also provides for a grievance procedure.

### **Related Legislation**

The introduction of collective bargaining has necessitated a realignment of responsibility and authority between departments, the Public Service Commission and the Treasury Board. This has been done in the new Public Service Employment Act, which replaced the Civil Service Act, and by amendments to the Financial Administration Act.

The *Public Service Employment Act* gives the Public Service Commission authority for all matters relating to staffing of the Public Service, including initial appointment and promotion. The Commission has, in effect, the responsibility and authority for preserving the "merit system" in the Public Service. It can delegate to deputy heads authority in all areas except appeals.

go on to the next page

The Public Service Commission, under this Act, has ultimate authority in dealing with complaints of employees arising out of the application of the merit system. Since it is of importance to understand the workings of the Commission in relation to complaints of this sort, they will be discussed briefly at this point:

- (1) If a person from within the Public Service is selected for an appointment, every unsuccessful candidate in a closed competition, or every person who has been prejudicially affected if there was no competition, may appeal the appointment. It is the duty of the Commission, upon recommendation of an inquiry board, to decide what action to take in regard to the complaint.
- (2) If a deputy head is of the opinion that a person is incapable or incompetent in performing the duties of his position, a recommendation can be made to the Commission to have that person released or placed in a position with a lower maximum rate of pay. The Commission's decision will depend on that of the inquiry board set up to examine the matter.

The functions of the *Financial Administration Act* are as follows:

- (1) The Act assigns to the Treasury Board the authority for determining all working conditions, thus bringing together all departments and agencies excluding separate employers under the same Act. The Treasury Board acts as the employer in the process of collective bargaining.
- (2) The Act gives the Treasury Board the responsibility of acting and making regulations concerning general administration policy in the Public Service, organization of the Public Service, financial management, and personnel management in the Public Service (including terms and conditions of employment).
- (3) The Act assigns to the Treasury Board, in its capacity as "employer for the central administration", the power to:
  - (a) determine manpower, and staff training and development requirements, and determine how these are to be utilized,
  - (b) classify and to determine rates of pay, hours of work, and leave for employees in the Public Service through a collective agreement, and
  - (c) establish standards of discipline in the Public Service, and set out the financial and other penalties, including suspension and discharge, that may be applied for breaches of discipline or misconduct.

turn to page xv





## PREAMBLE TO THE MANUAL CONTENT

The Public Service Staff Relations Act establishes a system of collective bargaining for the Public Service, and includes a grievance process as part of, or in addition to, the system of collective bargaining.

The Act grants collective bargaining rights to all public servants, except those excluded under the Act as follows:

- (1) persons appointed to a statutory position by the Governor in Council under an Act of Parliament,
- (2) those locally engaged outside Canada,
- (3) persons whose compensation for the performance of the regular duties of their position or office consists of fees of office, or is related to the revenue of the office in which they are employed,
- (4) persons not working more than one third of the normal period for persons doing similar work,
- (5) those who are members or special constables of the R.C.M.P., or who are employed by them, under the same conditions and terms as members,
- (6) persons employed on a casual or temporary basis, unless they have been employed for six months or more,
- (7) persons employed by or under the Public Service Staff Relations Board,
- (8) members of the Armed Forces,
- (9) *persons in managerial or confidential capacities*, although they can resort to the grievance procedure, are also excluded from the provisions of the Act that deal with collective bargaining. This includes a person who is:
  - (a) employed in a position confidential to the Governor General, to a Minister of the Crown, to a judge of the Supreme or Exchequer Court of Canada, to a deputy head of a department, or to a chief executive officer of any other part of the Public Service,
  - (b) employed as a legal officer in the Department of Justice,
  - (c) who have executive duties in relation to the development and administration of government programs.

go on to the next page

- (d) performing duties which include those of a personnel administrator, or who have duties that cause them to be directly involved in the process of collective bargaining on behalf of the employer,
- (e) required by reason of their responsibilities and duties to deal formally on behalf of the employer with a grievance presented in accordance with the grievance process provided by in this Act,
- (f) employed in a position confidential to any person described in (b), (c), (d), or (e) above,
- (g) not specified above, but who, in the opinion of the Public Service Staff Relations Board, should not be included in a bargaining unit by reason of their duties and responsibilities to the employer.

The Act assures the right of every employee to join an employee organization and participate in its lawful activities. However, this in no way restricts the power of the employer to determine the organization of the Public Service, or to assign duties and classify positions.

In addition to this, the Act contains provisions prohibiting:

- (1) employer discrimination against a person because he is a member of an employee organization or is exercising rights given under the Act,
- (2) the imposition of conditions of employment that interfere with an employee organization,
- (3) intimidation of an employee to join or not join an employee organization.

go on to page 1, and begin the course of instruction

## PART I

### THE PUBLIC SERVICE STAFF RELATIONS BOARD

Let's look first at the structure and function of the Public Service Staff Relations Board.

The Public Service Staff Relations Board is responsible for the administration of the Public Service Staff Relations Act. The members of this Board, of which there can be no less than six and no more than ten, including the Chairman and the Vice-Chairman, are appointed by the Governor in Council.

At any meeting of the Board for the conduct of its business, either the Chairman or the Vice-Chairman as well as one member representative of the interests of employees and one member representative of the interests of employers, must be present.

When the Board conducts a hearing or determination of any matter, the Chairman may stipulate that either the Chairman or the Vice-Chairman, as well as an even number of members, half representing the employees' interests and half the employers' interests must be present.

In this Manual, the Public Service Staff Relations Board will be referred to simply as the *Board*.

NOTE: There is an equal number of members on the Board representing the employers and the employees, as well as on any other board discussed in this Manual.

Membership on the Board provides . . . . . for both the employees and the employer.

After writing in your answer, turn to page 3

**ANSWER TO SELF-TEST A**

(1) No. Both parties are represented equally.

(2) Yes.

Score yourself \_\_\_\_\_correct out of 2. If you had any mistakes, return to page 1 and reread this section.

If you had two correct answers, you are ready to proceed to the next section.

(Note: This would be a good place to take a break.)

turn to page 7



Answer: equal representation.

The Public Service Staff Relations Act is administered by the Public Service Staff Relations Board. The Board has the power to perform any duties necessary to ensure that the provisions of the Act are complied with.

To achieve this, the Board has the power to make regulations of general application on a variety of subject matters, such as representation issues, complaints, the hearing of questions of law and jurisdiction, the establishment of rules of procedure for its own hearings and for those of the Arbitration Tribunal and of an adjudicator.

As well as defining bargaining units, and certifying bargaining agents, the Board investigates complaints of alleged infringements of rights granted by the statute.

Its investigation of complaints includes those of prohibitive acts committed by an employer or by an employee organization, or failure to implement the decision handed down by arbitration (the arbitral award).

turn to page 4

If a person has not complied with any decision given by the Board, the Board can issue a directive, requiring the person to implement the required action within a specified time. If the required action is still not taken at the end of this time, the Board can then report this and all pertinent matters to Parliament. As already mentioned, the Board has the power to order compliance with any of its decisions.

If a person has failed to abide by the decision of the Board, the Board can \_\_\_\_\_ that person to comply with the decision within a specified time.

turn to page 6

## SELF-TEST A

Indicate whether the following statements about the Public Service Staff Relations Board are correct.

1. The employee always has a majority representation on the Board to assure a just decision for him.

YES\_\_\_\_\_ NO\_\_\_\_\_

2. When a decision has been brought down the Board has the power to see to it that those concerned comply with it.

YES\_\_\_\_\_ NO\_\_\_\_\_

turn to page 2

Answer: Order.

When the Board is hearing matters concerned with certification and complaints, it has the power to collect all evidence necessary, in that it can compel the attendance of witnesses, administer oaths, receive sworn evidence, and order the production of documents.

The Board can also require the posting of notices, and enter any premises of the employer, where the employee is working or has worked, to inspect them, their contents and what is being done.

turn to page 5

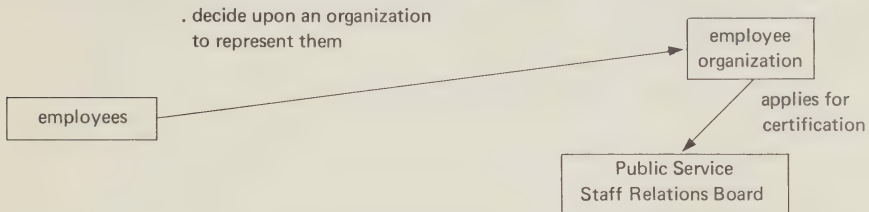


## PART II

### CERTIFICATION

To understand the process of collective bargaining, you must first become acquainted with the certification of employee organizations.

But before you get into this topic, let's clear up a few points right now. Actual bargaining, or negotiation for a collective agreement, occurs between the employer, and an organization that *represents* the employees (thus, an "employee organization"). The employees do not participate directly in the negotiation process, but, instead, agree upon an organization (employee organization) that will represent them. This could be summarized diagrammatically as follows:



Certification, which you are going to be reading about in this section, refers to the authorization given by the Public Service Staff Relations Board to this organization to represent employees in the bargaining process. Certification authorizes this organization to be the bargaining *agent* for the employees it represents.

Before an employee organization can negotiate with an employer for a collective agreement, that organization must first be certified as a bargaining agent by the Public Service Staff Relations Board. Application for certification may be made either by a single employee organization or by a council of employee organizations (two or more organizations that have joined together for purposes of collective bargaining).

Choose the answer which completes this statement correctly, and turn to the page indicated:

An employee organization, before it can negotiate for a collective agreement, must:

page 8 (1) decide upon a bargaining agent that will represent them.

page 10 (2) acquire an official declaration that recognizes that organization as an exclusive bargaining agent for a particular group of employees.

Your answer: (1).

NO! This is NOT the correct answer.

You seem to have misunderstood. An employee organization becomes a bargaining agent upon certification. A group of employees decides upon an employee organization to represent them. This organization, before it can negotiate an agreement for the employees it represents, must first be CERTIFIED by the Public Service Staff Relations Board as the exclusive bargaining agent for those employees.

turn to page 10

Your answer: YES.

Wrong! It is true that each of the members of the council must meet this requirement before certification will be granted to the council. BUT this is not the only requirement that must be met by each of the organizations forming the council. All employee organizations must meet certain requirements, whether they are part of a council of employee organizations or not. Each organization in a council must meet the further requirement of proper authorization.

turn to page 13

Your answer: (2) acquire an official declaration that recognizes that organization as an exclusive bargaining agent for a particular group of employees.

Exactly! Before any organization can proceed to negotiate collectively with its employer, it must first be certified by the Public Service Staff Relations Board.

There are special requirements that must be met by an employee organization before certification will be granted.

An employee organization can be certified only if:

- (1) the employer does not participate in the administration of the organization in such a way as would impair the fitness of the organization to represent the employee interests in the bargaining process;
- (2) it has no monetary affiliation with a political party; and
- (3) it does not discriminate against employees because of sex, race, nationality, colour, or religion.

Recall that two or more employee organizations can join together to form a council of employee organizations. A council of employee organizations can be certified only if each group forming the council complies with these three conditions, and has the appropriate authority in the council to perform the functions of an agent for negotiations.

Is the following statement correct?

The only requirement that a council of employee organizations must meet before it will be certified by the Board is that of proper authorization from each of the composite organizations.

page 9 YES

page 13 NO



Your answer: YES.

Wrong! You seem to have misunderstood.

A bargaining unit can be made up *only* of occupationally-related employees. That is, they must be of the *same occupational category*. Before certification of a bargaining agent occurs, the Board examines the duties of the classification of every employee whom the bargaining agent will represent to ensure that they are of the same occupational category.

Turn back to page 13 and review the five specified occupational categories, then choose the correct answer to the statement.

Your answer should contain, in your own words, something similar to: "In the central administration, bargaining unit boundaries were to be established in a way that would make them consistent with the recently established boundaries used as the basis for classification and pay."

Let's consider a little more closely these guidelines which have been set up to facilitate certification in the central administration during the initial period.

The length of the initial certification period is indicated in Column III of Schedule B in the Public Service Staff Relations Act. This transitional period ends at a specified time for each of the five occupational categories in the central administration. These termination dates are as follows:

<b>Occupational Category</b>	<b>Date First Collective Agreement Ceases to be in Effect</b>
operational	Sept. 30, 1968
scientific and professional	June 30, 1969
technical	June 30, 1969
administrative and foreign service	Sept. 30, 1969
administrative support	Sept. 30, 1969

During this initial certification period, special rules are set out for the delineation of the appropriate bargaining units.

The statutory guidelines state that, fifteen days after the Public Service Staff Relations Act comes into force, the Public Service Commission will specify and define the occupational groups in each of the five occupational categories. In this way, 72 occupational groups have been defined, as follows:

- 28 occupational groups in the professional and scientific category
- 13 in the administrative and foreign service
- 13 in the technical category
- 6 in the administrative support category
- 12 in the operational category

turn to page 14

Your answer: NO.

Good. You are correct. As well as holding the necessary authority to function as an agent for negotiations, a council of employee organizations must meet three other requirements about employer participation, affiliation with a political party, and discrimination against employees.

Besides requirements of policy, operation, and authority, there is another requirement that must be met. Before an employee organization will be certified, the Board must determine that this organization meets certain requirements.

The Board, however, must take care that, within a particular bargaining unit, *all employees are of the same occupational category*. There are five specified occupational categories that come under the collective bargaining provisions of the Act. They are:

- (1) professional and scientific
- (2) technical
- (3) administrative and foreign service
- (4) administrative support
- (5) operational

(A further group considered for the purposes of classification is the executive category. Members of this group are generally those with executive duties and responsibilities.)

The persons whom an organization represents are called a bargaining unit. Upon certification, the organization becomes the bargaining agent for this bargaining unit. It is the function of the Board to determine the units that are appropriate for collective bargaining. That is, the Board specifies what employees make up a particular bargaining unit.

Any other group of employees can be named by the Board to be an occupational category.

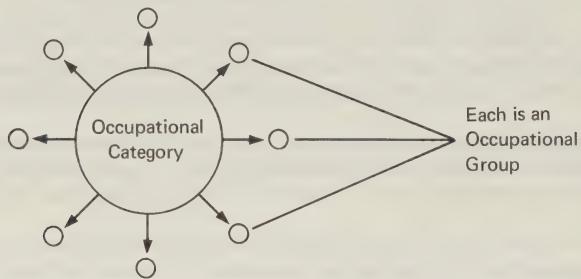
Is the following statement correct?

Employees in administrative and foreign service, and employees in administrative support can combine to form a single bargaining unit.

page 11 YES

page 15 NO

A sketch indicating the relation between occupational groups and occupational categories follows:



Choose the best answer to the following:

To facilitate initial certification, occupational groups within each occupation category have been specified:

page 17 (a) on the basis of groupings and positions of employees

page 20 (b) within that part of the Public Service for which the Treasury Board is the employer

page 19 (c) both (a) and (b)



Your answer: NO.

Correct! Only employees of the same occupational category can constitute a bargaining unit.

Collective bargaining, as you know, is just being introduced into the Public Service. The Board is thus faced with the task of determining adequate bargaining units in a way that will provide an orderly introduction of collective bargaining, as well as providing a satisfactory set of continuing relationships. In that part of the Public Service for which the Treasury Board will act as the employer (the "central administration") — because of its size, organizational complexity, and existing pattern of employee representation — prolonged periods of controversy and litigation were expected.

To prevent this problem from occurring during the certification of bargaining units within the "central administration", statutory guidelines were provided. Thus, the Public Service Staff Relations Board has been required to establish initially, for the "central administration", bargaining unit boundaries comprising all employees, all the non-supervisors, or all the supervisors in an occupational group. (Thus, each bargaining unit can be said to be composed of employees from a particular occupational *group*. All employees in a bargaining unit can be said to belong to an occupational group, and they must all be of the same occupational category.)

Note that these guidelines exist ONLY for certification within the "central administration". (The *Treasury Board* acts as the employer for the "central administration".) There is no similar specification and delineation of occupational groups for separate employers, although the category structure does apply to them. You will read more about separate employers later in this manual.

Let us return now to the initial certification period for the "central administration". The Board, after a reasonable period following certification, will become free to define whatever bargaining units it considers appropriate.

Complete the following statement:

To facilitate a smooth introduction of collective bargaining into those areas of the Public Service for which the Treasury Board will act as the employer, the Public Service Staff Relations Board has been required to establish bargaining unit boundaries that coincide with \_\_\_\_\_

---

turn to page 12

Your answer: (1) all of the supervisors in a particular group in the administrative support category.

Correct! Good! In any category, a particular bargaining unit usually includes employees from only ONE occupational *group*. That is, a bargaining unit is usually composed of persons belonging to the same occupational group within a particular occupational category. (However, especially after the initial certification period, some bargaining units may comprise employees from more than one occupational group.)

As has been mentioned, there is no similar specification and delineation of occupational categories or groups for separate employers. The separate employers are listed in Schedule A, Part II, of the Public Service Staff Relations Act. They are the following: Atomic Energy Control Board, Centennial Commission, Defence Research Board, Economic Council of Canada, Fisheries Research Board, National Film Board, National Research Council, Northern Canada Power Commission, Science Council of Canada and Public Service Staff Relations Board.

The Board has ultimate authority to define the appropriate bargaining units in the case of separate employers — both during initial certification and thereafter. However, as must be done within the central administration, here also the Board will take care that there is no admixture of employees in two or more occupational categories.

During your reading, you should have become aware that there are two distinct “EMPLOYERS” being discussed. They are the \_\_\_\_\_ or the central administration, and \_\_\_\_\_ employers. Statutory guidelines were set out to facilitate initial certification in that part of the Public Service that can be referred to as the \_\_\_\_\_

turn to page 23

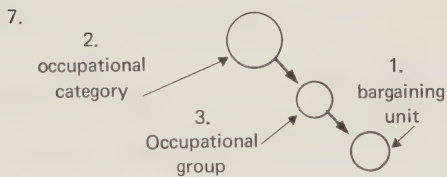
Your answer: (a).

This is not the BEST answer. It is true that the determination and specification of occupational groups has been based upon the groupings and positions of employees. However, there is a better answer.

Turn back to page 14, and choose the best answer.

## Answers:

1. an official declaration from the Public Service Staff Relations Board authorizing the organization as an exclusive bargaining agent.
2. (a) YES  
(b) YES
3. (a) TRUE  
(b) FALSE  
(c) FALSE
4. five
5. occupational category.
6. central administration; groupings and positions of employees.



8. (a) all employees.  
(b) all employees, except supervisors.  
(c) all supervisors.
9. separate employers; Public Service Staff Relations Board.
10. Treasury Board; central administration.

turn to page 22

Your answer: (c).

Correct! To facilitate initial certification within the central administration, occupational groups (or bargaining units) have been specified on the basis of groupings and positions of employees.

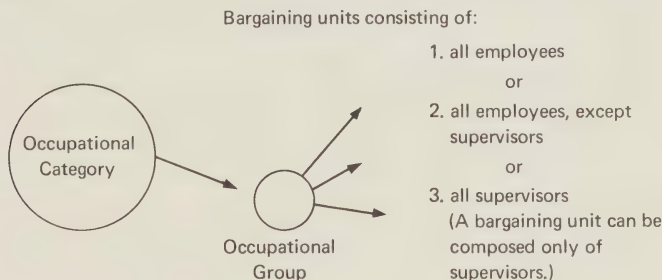
You have already read that all employees in a bargaining unit must belong to the same occupational category. You also know that many occupational groups (or bargaining units) have been specified in each occupational category. Each person in a bargaining unit must meet membership requirements set out by the Board. (These persons will usually belong to the same occupational group.)

Although a bargaining unit usually includes employees from only one occupational group, three types of units can be established within each occupational group. That is, there can be more than one bargaining unit within an occupational group. A bargaining unit can consist of:

- (a) all the employees in the group,
- (b) all the employees except those who supervise others in the group, or
- (c) all those employees in a group who supervise others in the group.

(Note: "supervision" is not defined in the Public Service Staff Relations Act, but is left up to the Board.)

The relation of a bargaining unit to an occupational group and to an occupational category can be shown as follows:



Which one of the following can constitute a bargaining unit:

page 16 (1) all of the supervisors in a particular group in the administrative support category.

page 21 (2) all employees, except supervisors, in a particular occupational category.



Your answer: (b).

This is not the BEST answer. You are correct in that occupational groups have been specified in the central administration to facilitate initial certification. However, there is a better answer.

Turn back to page 14, and choose the best answer.

Your answer: (2).

This is *not* the right answer.

Employees of a particular bargaining unit usually belong to the same occupational *group*. (They **MUST** belong to the same occupational category.) Thus, it is not likely that all of the employees in a particular occupational category would belong to the same bargaining unit. If you recall, there are 72 occupational groups delineated within the five occupational categories in the central administration. Each of these occupational groups could be considered a bargaining unit.

Turn back to page 19, and after rereading it, choose the correct answer to the statement.

Let's next turn to a consideration of how actual certification occurs.

Now that an occupational group (bargaining unit) has been determined, an organization representing the employees in that group can apply to the Board for certification as a bargaining agent. The Board specifies the day on or after which any employee organization can apply for certification to be an agent for a particular occupational group. This date must be within 60 days after the Public Service Staff Relations Act comes into force.

In order to be certified, an employee organization must, after application, satisfy the Board with documentary evidence that the employees wish that organization to represent them as their bargaining agent, and that the representatives of the organization were authorized to make the application for certification.

Is the following statement correct?

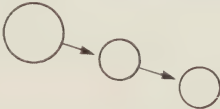
Once a group of employees has been recognized by the Public Service Staff Relations Board as an occupational group, that group can then apply for certification.

page 24 YES

page 26 NO

Answers: Treasury Board; separate; central administration.

Complete the following statements about requirements for certification:

1. "Certification" of an employee organization refers to \_\_\_\_\_  
\_\_\_\_\_
2. Could application for certification be made by:
  - (a) a single employee organization? YES \_\_\_\_\_ NO \_\_\_\_\_
  - (b) a council of employee organizations YES \_\_\_\_\_ NO \_\_\_\_\_
3. Certification will be granted only if:
  - (a) the employer does not impair the organization's ability to represent the employees.  
TRUE \_\_\_\_\_ FALSE \_\_\_\_\_
  - (b) the organization has monetary affiliation with a political party.  
TRUE \_\_\_\_\_ FALSE \_\_\_\_\_
  - (c) the organization discriminates against employees.  
TRUE \_\_\_\_\_ FALSE \_\_\_\_\_
4. There are \_\_\_\_\_ specified occupational categories that come under the collective bargaining provisions of the Public Service Staff Relations Act.
5. Employees who make up a bargaining unit must be of the same \_\_\_\_\_  
\_\_\_\_\_
6. To facilitate initial certification within the \_\_\_\_\_,  
occupational groups have been specified on the basis of \_\_\_\_\_  
\_\_\_\_\_
7. Correctly indicate where the following labels should appear in the sketch below:
  1. bargaining unit
  2. occupational category
  3. occupational group
8. Within each occupational group, three types of units can be established.  
They are: (a) \_\_\_\_\_  
(b) \_\_\_\_\_  
(c) \_\_\_\_\_
9. Because there is no similar specification and delineation of occupational groups for \_\_\_\_\_, the \_\_\_\_\_ is given ultimate authority to define bargaining units.
10. The \_\_\_\_\_ acts as the employer for the \_\_\_\_\_.

After completing your answers, turn to page 18.

Your answer: YES

WRONG! You seem to have missed an important point.

Once a group of employees has been defined as an occupational group, an authorized organization representing those employees (thus, an “employee organization”) can apply for certification to act as the bargaining agent for those employees. Again, it is an organization that represents those employees—not the employees themselves — that applies for certification.

turn to page 26



To ensure that an employee organization is eligible for certification, the Board will determine that:

(Circle the letter beside each statement you choose.)

- (a) the employee organization is free of employer influence.
- (b) the organization does not discriminate against any employee.
- (c) the persons whom this organization represents belong to the same occupationally-related category.
- (d) the organization has no financial affiliation with a political party.

After you have circled your choices, turn to page 27.

Your answer: NO.

Good. You are right.

It is not the employees, but rather an organization that represents those employees, that applies for certification as a bargaining agent for the bargaining unit.

Let us now briefly review the conditions that must be met before an employee organization can be certified:

- (1) The employee organization must represent the majority of employees in the unit for which they are requesting certification as a bargaining agent.
- (2) The employer must not participate in the organization in a way that would impair the organization's ability to act as a bargaining agent.
- (3) The organization must not receive or give money to a political party.
- (4) The organization must not discriminate against employees.
- (5) The organization must represent employees who are of the same occupational category.

Providing these conditions are met, the Board will certify the employee organization as the bargaining agent for the employees in that bargaining unit.

The opposite also applies. Certification of an employee organization will be refused if these conditions have not been met.

turn to page 25

Your answers: You should have chosen all four of the statements. If you had any errors, go back and reread page 26 before continuing here. Understand that each of the four conditions must be met if an organization is to be eligible for certification.

Upon certification of an employee organization, that organization becomes the BARGAINING AGENT for the BARGAINING UNIT in negotiations with the employer for a collective agreement.

(Note: There can be more than one bargaining unit within a particular occupational group.)

Choose the better answer to the following statement:

Actual negotiations for an agreement occur between the employer or his representative, and

page 29 (1) the bargaining agent

page 30 (2) the employee organization

**ANSWERS TO SELF-TEST B**

Note Page numbers are attached for reference. Use them to review areas which are not clear in your mind.

1. FALSE — An employee organization is certified by the Public Service Staff Relations Board. (page 7)
2. TRUE — (page 19)
3. TRUE — (page 13)
4. FALSE — Such guidelines have been prepared for certification within the central administration. (page 15)
5. TRUE — (page 15)
6. TRUE — (page 12)
7. FALSE — Within each occupational CATEGORY, there are a number of occupational groups. (page 14)
8. TRUE — (page 19)
9. TRUE — (page 19)
10. FALSE — An employee organization representing the occupational group applies for certification. (pages 7 and 15)
11. TRUE — (page 26)
12. TRUE — (page 27)
13. FALSE — As well as having the exclusive right to represent employees in the grievance process, if the grievance relates to a collective agreement or arbitral award, the bargaining agent has also the exclusive right to negotiate with the employer for a collective agreement which becomes binding on all the employees in the occupational group. (page 29)
14. TRUE — (page 31)
15. TRUE — (page 33)

Note: Tally up your score. If you had less than 13 correct out of 15, go back to page 7 and reread this section. If you had 13 or more correct out of 15, turn to page 37.

Your answer: (1) the bargaining agent.

Right! Upon certification, an employee organization becomes a bargaining agent for the employees whom it represents (the bargaining unit).

Let's go on.

An employee organization that has been certified as a bargaining agent for a bargaining unit acquires a number of rights.

The bargaining agent is given the exclusive right to:

- (1) bargain collectively on the behalf of the employees in that bargaining unit, and to bind them by a collective agreement until such time as the certification of the organization is revoked, and
- (2) represent an employee of that unit in the presentation of reference to adjudication of a grievance relating to the interpretation or application of a collective agreement or arbitral award.

In your own words, what are the two main rights accorded to an employee organization upon certification?

Write your answer here:

1. \_\_\_\_\_

2. \_\_\_\_\_

turn to page 31



Your answer: (2)

This is NOT the better answer.

Although it is actually the employee organization that negotiates with the employer for a collective agreement, that organization, upon certification, can be called by another, more specific name.

turn to page 29

Your answer should contain, in your own words, the following:

Upon certification, an employee organization — now the bargaining agent — obtains the exclusive right to:

1. negotiate and, enter into a collective agreement with the employer, thereby binding all the employees in that occupational group to that collective agreement;
2. represent all employees in the bargaining unit in the presentation and adjudication of grievances relating to the interpretation or application of a collective agreement or arbitral award.

There are a number of cases when certification can be revoked by the Board. Let's briefly consider these cases.

The Board can take a *representation vote* of the employees to find out whom they want as their representative. If the employee organization no longer represents a majority of the employees in the unit, certification of that bargaining agent can be revoked. (Such a representation vote can occur during initial certification as well as during the last two months of the life of an agreement or at any time when no collective agreement is in force.)

Correct the inaccuracy in the following statement:

The certification of a bargaining unit can be revoked if only a minority of the employees wish that organization as their representative.

turn to page 32

Your answer: You are correct if you realized that the statement should have read *BARGAINING AGENT*, rather than BARGAINING UNIT. If you had thought that anything else was incorrect, reread page 31 before continuing here.

Certification of a bargaining agent can also be revoked if that organization voluntarily gives up its certification, or if it is determined that the bargaining agent obtained certification by fraud.

In addition, the certification of a bargaining agent for a council of employee organizations can be revoked, if there is a change in the constituent membership of the council, or for any other reason that the Board accepts.

turn to page 33

If the certification of a bargaining agent is revoked when a collective agreement or arbitral award is in force, that agreement or award will cease to be in effect upon revocation, unless an incoming employee organization wished the old collective agreement to remain in force for a specified time. The Board will then determine any question of right or duty of the old or a new bargaining agent and, as well, direct the way in which the rights of employees already acquired shall be recognized.

Choose the correct answer to the following statement, then turn to the page indicated.

A bargaining agent had successfully negotiated for a collective agreement. However, it was subsequently discovered that the bargaining agent had obtained certification in a fraudulent manner. If, for this reason, the bargaining agent ceases to be certified, the collective agreement introduced by that agent will:

page 36 (1) continue to be in force until a new agreement is reached.

page 34 (2) continue only until revocation of certification of the old bargaining agent occurs, unless a new bargaining agent specifies otherwise to the board.

Your answer: (2) continue only until revocation of certification of the old bargaining agent occurs, unless a new bargaining agent specifies otherwise to the Board.

Correct! The collective agreement will remain in force only if, and only as long as, a new bargaining agent specifies.

turn to the next page



**SELF-TEST B**

Answer the following with TRUE or FALSE.

1. Before an employee organization can bargain, it must first be certified by the Treasury Board.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
2. A bargaining unit refers to the entire or part of a particular occupational group of employees who belong to the same occupational category.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
3. All employees within a particular bargaining unit must belong to the same occupational category.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
4. Statutory guidelines have been set up to facilitate initial certification for separate employers.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
5. The Treasury Board acts as the employer for the central administration.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
6. Statutory guidelines have been set up on the basis of groupings and positions of employees.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
7. Within each occupational group, there are a number of occupational categories.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
8. Bargaining units within a particular occupational group can comprise all employees in that group, or all employees except supervisors, or all supervisors in that group.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
9. There can be more than one bargaining unit within an occupational group.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
10. It is the bargaining unit that applies for certification.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
11. An employee organization must be shown to be free of employer influence before it will be certified.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
12. Upon certification, the employee organization becomes the bargaining agent, and represents the bargaining unit in negotiations.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
13. The only exclusive right the bargaining agent has is that of representing employees in the grievance process, if the grievance concerns a collective agreement or arbitral award.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
14. A representation vote of the employees could result in revocation of certification of the bargaining agent.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
15. If a bargaining agent has its certification revoked, any collective agreement introduced by that bargaining agent will remain in force only if the new bargaining agent so specifies.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_

turn to page 28.

Your answer: (1).

WRONG! This is not the right answer.

Let's review the points. If it had been discovered that a bargaining agent has obtained certification in a fraudulent manner, then its certification can be revoked. If it is revoked, then any collective agreement that the bargaining agent has negotiated will cease to be in effect *as soon as certification has been revoked*, unless a new bargaining agent specifies otherwise.

turn to page 34

## PART III

### NEGOTIATION FOR AGREEMENT

In Part II, you learned how an employee organization becomes certified as the bargaining agent for a bargaining unit.

This section of the manual will deal with the actual process of negotiation for a collective agreement.

Before any negotiation can occur, the bargaining agent must specify what method it will use to resolve a dispute if one should arise. The agent can choose either arbitration or a conciliation board (which allows for the occurrence of a strike). Remember that the method to be used must be determined BEFORE bargaining begins — *not* at the time when the parties realize they are unable to reach an agreement.

Before negotiation for a collective agreement can occur, the bargaining agent must decide what method it should use for the dispute if one should occur during bargaining. The bargaining agent can choose one of the following:

\_\_\_\_\_ or \_\_\_\_\_

turn to the next page

Answers: arbitration or conciliation.

To begin negotiations, either party can give written notice to the other party that bargaining should begin.

Recall that the Treasury Board is the “employer for the central administration”. Thus, the Treasury Board can enter into a collective agreement with a bargaining agent — as long as it is not made up of employees of a separate employer. Similarly, a separate employer may negotiate a collective agreement with its employees.

In your own words, how can negotiations for a collective agreement be initiated?

Write your answer here:

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turn to page 40

Your answer: (1).

No. This is not the right answer. You may not have been reading carefully. A notice requesting the commencement of collective bargaining can be given at any time if there is no agreement or award in force. If an agreement or award is in force, then the notice must be given within the two months *before* the agreement or award ceases.

Keeping this in mind, turn back to page 40, and choose the correct answer to the statement.

Your answer is correct if it contains, in your own words, the following:

“After the employee organization is certified as a bargaining agent, either the bargaining agent or the employer can give notice in writing to the other that collective bargaining should begin”.

A notice to begin bargaining can be given only:

- (1) if there is no collective agreement or arbitral award in force, and there has been no request for arbitration by either party, or
- (2) within two months before an agreement or award ceases, if there is a collective agreement or an arbitral award in force.

(Note: An arbitral award is the decision given by the Arbitration Tribunal about a disputed matter. Both parties must abide by that decision. You will be reading more about this later.)

Choose the correct answer to the following statement, and turn to the page indicated.

The Treasury Board can request negotiation with a bargaining agent:

- page 39 (1) not later than two months after an unsatisfactory agreement comes into force.
- page 44 (2) the statement is incorrect because the Treasury Board cannot enter into negotiations for a collective agreement.
- page 42 (3) two months before an agreement ceases or when there is no collective agreement in force.



Your answer: YES.

Right! Previous terms and conditions of employment will continue in force until such time as a new collective agreement is entered into by both parties.

Not more than 20 days after a notice to commence collective bargaining has been issued, the bargaining agent for the employees, and the officers representing the employer, *must* meet and make every reasonable effort to conclude a collective agreement.

Both parties must be aware that no part of a collective agreement can be in conflict with the Government Employees Compensation Act, the Government Vessels Discipline Act, the Public Service Employment Act, or the Public Service Superannuation Act.

Turn to the page indicated beside the choice you make regarding the following statement.

A collective agreement may be comprised of any terms or conditions that the employer and the bargaining agent agree upon.

page 43 True

page 47 False

Your answer: (3) two months before an agreement ceases or when there is no collective agreement in force.

You are correct. There can be no request for negotiation for a new collective agreement unless there is no collective agreement in force, or unless the request is made within two months before an existing agreement expires.

All conditions and terms of employment that were in force when notice was given to bargain collectively will remain in force during bargaining, and until some decision has been reached.

In the case where the bargaining unit had chosen arbitration as the method for settling disputes, such conditions and terms of employment shall continue in force until either:

- (1) a satisfactory collective agreement has been reached and entered into by the parties, *or*
- (2) a collective agreement has been entered into as a result of arbitration, or an arbitral award has been given as a result of arbitration.

In the case where the bargaining unit has chosen conciliation as the method of settling disputes, previous conditions and terms of employment will remain in force until either:

- (1) a satisfactory collective agreement has been reached and entered into by both parties, *or*
- (2) seven days after the report of a conciliation board is received, *or*
- (3) as soon as the Chairman has notified both parties that he plans not to establish a conciliation board, even if one has not been requested.

Is the following statement correct?

If the parties negotiate an agreement without dispute, then the previously existing terms and conditions of employment will continue until a new collective agreement has been entered into by both parties.

page 41 YES

page 45 NO

Your answer: True.

No! You have missed an important point. The provisions of a collective agreement must be such that they are *not in conflict* with the provisions of certain specified Acts (Government Employees Compensation Act, Government Vessels Discipline Act, Public Service Employment Act, and the Public Service Superannuation Act).

turn to page 47

Your answer: (2).

Wait a minute! You seem to have misunderstood. A collective agreement is concluded between the bargaining agent for the employees, and the employer. The employer of the "central administration" is the Treasury Board. Thus, both the Treasury Board, and any other separate employers, may negotiate and enter into a collective agreement with appropriate bargaining agents.

For a short review of this same information, return to page 37 and continue from there.

Your answer: NO.

Wrong! You seem to have misunderstood.

If the parties negotiate an agreement without dispute, then all conditions and terms of employment that were in force when negotiation for a new collective agreement was begun will continue in force *until such time as a new agreement has been reached and entered upon.*

turn to page 41

## ANSWERS TO SELF-TEST C

Note: Page numbers are attached for reference. Use them to clear up any areas which you are not sure about.

1. FALSE — The method to be used must be determined before actual bargaining begins, and NOT when a disagreement is reached. (page 37)
2. FALSE — Either party can begin negotiations by giving written notice to the other party that the bargaining should begin. (page 38)
3. TRUE — (page 40)
4. TRUE — (page 42)
5. FALSE — The provisions of a collective agreement cannot conflict with any other Act of Parliament. (page 41).
6. FALSE — The term of a collective agreement must be at least one year. (page 47)
7. TRUE — (page 48)
8. TRUE — (page 48)

Score yourself \_\_\_\_\_ correct out of 8. If you had less than 7 correct, go back to page 37 and reread this section. If you had 7 or more correct, you are ready to go on to the next section on page 51.

(Note: This would be a good place to take a break.)



Your answer: False,

Good! You are correct. The provisions of a collective agreement are those which are not in conflict with the provisions of certain specified Acts (Government Vessels Discipline Act, Government Employees Compensation Act, Public Service Employment Act, Public Service Superannuation Act).

An agreement must remain in force either for a specified period, or for at least one year, although amendments can be made at any time during the term of the agreement.

The term of a collective agreement must be at least \_\_\_\_\_ .

turn to page 48

Answer: one year.

A collective agreement becomes binding on both parties:

- (a) on a date specified in the agreement, or
- (b) on the first day of the month after the agreement was reached.

However, the parties are allowed time to implement the agreement. The agreement must be implemented:

- (a) by the date specified in the agreement, or
- (b) within 90 days from the date it was agreed upon, or
- (c) any other time specified by the Board.

If no date is specified in the agreement or by the Board, the conditions of the new agreement must be put into effect by both parties within \_\_\_\_\_ months.

turn to page 50

**SELF-TEST C**

Answer the following questions with TRUE or FALSE by indicating your choice with a check (✓).

1. Determination of the process to be used for resolution of disputes occurs when the parties realize they are unable to reach an agreement.

TRUE\_\_\_\_\_ FALSE\_\_\_\_\_

2. The Public Service Staff Relations Board decides when the parties will begin negotiations for a collective agreement.

TRUE\_\_\_\_\_ FALSE\_\_\_\_\_

3. Negotiations can occur only if there is no agreement in force, or not sooner than two months before an existing agreement ceases.

TRUE\_\_\_\_\_ FALSE\_\_\_\_\_

4. Existing terms and conditions of employment will continue until a new collective agreement has been entered into by both parties.

TRUE\_\_\_\_\_ FALSE\_\_\_\_\_

5. A collective agreement can contain any terms or conditions that the employer and the bargaining agent agree upon.

TRUE\_\_\_\_\_ FALSE\_\_\_\_\_

6. The term of a collective agreement must be at least 6 months.

TRUE\_\_\_\_\_ FALSE\_\_\_\_\_

7. The provisions of a new agreement must be implemented within 90 days, or any other period that the Board or agreement allows.

TRUE\_\_\_\_\_ FALSE\_\_\_\_\_

8. A collective agreement becomes effective on the first day of the month after the agreement was reached, unless otherwise specified in the agreement or by the Board.

TRUE\_\_\_\_\_ FALSE\_\_\_\_\_

turn to page 46

Answer: three.

Unless some other date is specified by either the agreement or the Board, a collective agreement becomes binding on both parties on the first day of the month after an agreement was reached, and must be implemented within 90 days after the agreement was reached.

turn to page 49

**PART IV**  
**DISPUTE SETTLEMENT**  
**THE CONCILIATOR**

In Part III you have been reading about negotiation between the two parties for a collective agreement, and how that agreement is implemented if these negotiations have been successful.

But what happens if the negotiations were unsuccessful? This Part of the manual is concerned with this process.

If it so happens that any two parties, even though they may have been negotiating in good faith, are unable to reach agreement (a "collective" agreement), either party may, by notice in writing to the PSSRB, request the assistance of a conciliator in reaching agreement. It must be understood that the request for the appointment of a conciliator will not necessarily result in a request for arbitration or a request for the appointment of a conciliation board.

If during negotiation the parties are unable to agree to a particular provision, \_\_\_\_\_ may be requested to assist them.

turn to page 53

Your answer: (a).

No. You have not chosen the BEST answer. It is true that a request for either conciliation or arbitration can be made if a request for a conciliator has been refused, or if a request for a conciliator has not been made. But such a request for conciliation or arbitration can be made in other cases as well.

Reread page 54, then choose the best answer to the question on that page.



Answer: conciliator.

The Chairman of the Public Service Staff Relations Board appoints the conciliator, who then confers with the parties and attempts to assist them in reaching agreement. His purpose is to maintain negotiations between the two parties in an attempt to have them reach an agreement. The conciliator has 14 days from the date of his appointment, or such longer period as may be determined by the Chairman of the Board, to report his success or failure to the Board.

Choose the correct answer to the following statement, and turn to the page indicated.

The purpose of the conciliator is to:

page 54 (1) bring the parties together and assist them in reaching agreement.

page 56 (2) decide, after investigation, whether the establishment of a conciliation board or an arbitration board is justified.

Your answer: (1) bring the parties together and assist them in reaching agreement.

Correct! The main purpose of the conciliator is to maintain negotiations between the two parties, in the hope that such further negotiations will result in the conclusion of a collective agreement. The conciliator cannot make directives, but he can offer suggestions. It should also be remembered that either party, whether the bargaining agent has specified arbitration or a conciliation board as the dispute settlement process, has the right to request a conciliator before invoking either the arbitration or the conciliation board mechanism. The appointment of a conciliator, however, is not a mandatory requirement, and the parties may by-pass the conciliator step and proceed direct to the dispute settlement stage.

The Chairman of the Public Service Staff Relations Board may refuse to appoint a conciliator if he decides that a conciliator would be unable to help the parties reach an agreement. In this case, or if a conciliator has been appointed and was unsuccessful, or if no conciliator was requested, either party can request the Chairman of the Board to refer the matter in dispute to the Arbitration Tribunal or to an ad hoc conciliation board. This choice, as you already know, depends on the process for resolution of a dispute chosen by the bargaining agent prior to commencing negotiations.

Choose the best answer to the following:

When can a request for the establishment of a conciliation board or for a reference to the Arbitration Tribunal be made?

page 52 (a) if a request for a conciliator has not been made, or it has been refused.

page 58 (b) if a conciliator has been appointed, and has been unsuccessful.

page 57 (c) both of these.

Answers:

1. conciliator.
2. offer suggestions and maintain negotiations in an attempt to have the parties reach an agreement.
3. You should have chosen the number "3". Where the parties are unable to reach agreement in direct negotiations, either party can request the assistance of a conciliator.

Either party can request the establishment of a conciliation board or a reference to the Arbitration Tribunal, depending on the dispute settlement process, applicable to the bargaining unit concerned without going through the "conciliator" stage.

The distinction between the two methods of settlement of dispute lies in the fact that arbitration results in a decision that is final and binding on both parties, whereas, in conciliation, the parties are free to accept or reject the report and recommendations of a conciliation board.

If arbitration has been chosen as the process for settlement of disputes, the bargaining agent cannot call a strike, and the employees in the bargaining unit cannot engage in strike action.

On the other hand, if a conciliation board (not to be confused with conciliator) has been chosen as the process for dispute settlement, the employees in the bargaining unit, with certain exceptions to be discussed later, may ultimately engage in a strike to enforce their "demands".

In your own words, what is the distinction between arbitration and conciliation?

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turn to page 59

Your answer: (2).

Wrong! This is NOT the right answer.

The purpose of a conciliator is only to ensure that negotiations between the two parties continue, in the hope that such further negotiations will lead to a settlement of the matter in dispute.

Return to page 51 and continue from there.

Your answer: (c) both of these.

Right you are! A request for conciliation or arbitration can be made either if the request for a conciliator has been refused or if the intervention of the conciliator has been unsuccessful — and, as well, if the parties had decided not to call in a conciliator.

Complete the following statements:

1. If the two parties are unable to reach agreement during initial negotiations, either party can request the assistance of a \_\_\_\_\_.
2. The purpose of the person mentioned above is to \_\_\_\_\_  
\_\_\_\_\_
3. In the following list, choose the number that would indicate where this person *might* enter the process of negotiation.

Write the number that you choose here: \_\_\_\_\_

1. before certification
2. between arbitration and bargaining
3. between bargaining and conciliation or arbitration
4. after conciliation or arbitration

After writing down your answers, turn to page 55.

Your answer: (b).

No. You have not chosen the BEST answer. It is true that a request for a conciliation board or an arbitration board can be made if a conciliator has been unsuccessful — but there is also another case when a request for arbitration or conciliation can be made.

Reread page 54 then choose the best answer to the question on that page.



Your answer is correct if it contained, in your own words, the following: "Agreement to a conciliation board report must be voluntary. If the two parties are unable to reach agreement on the basis of the conciliation board recommendations, the bargaining agent could resort to a strike. On the other hand, the decision given in arbitration is final and binding on both parties. In arbitration, therefore, the bargaining agent cannot resort to a strike".

## DISPUTE SETTLEMENT

### ARBITRATION

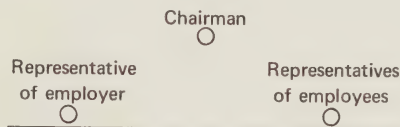
Let's look first at the process of ARBITRATION. This process of dispute settlement involves the referral of matters in dispute to an independent third party for final and binding determination.

The Public Service Staff Relations Act allows for the establishment of a Public Service Arbitration Tribunal. The Chairman of the Tribunal is appointed by the Governor in Council upon the recommendation of the Board. There are also two panels of other members who are appointed by the Board. One of these panels consists of at least three members representing the interests of the employer, and the other panel of at least three persons representing the interests of the employees. During actual arbitration proceedings, the chairman and only one member from each of these panels is present.

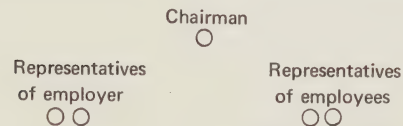
Which diagram best answers the following statement:  
(Turn to the page indicated by your choice.)

During actual arbitration proceedings, the Arbitration Tribunal might consist of:

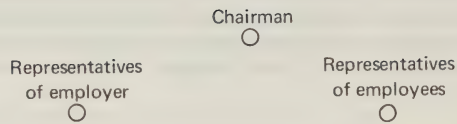
page 60 (1)



page 62 (2)



Your answer: (1)



Right you are! The Arbitration Tribunal during actual arbitration proceedings consists of a Chairman, and only ONE representative from the employer panel, and only ONE representative from the employee panel. In practice, the employees and employer are equally represented.

Correctly match the following:

- |                          |  |
|--------------------------|--|
| (1) conciliator          | (a) resolves disputes by determining and directing what the settlement will be.        |
| (2) Arbitration Tribunal | (b) attempts to resolve disputes by maintaining negotiations and offering suggestions. |

turn to page 63

Answer: voluntary.

If the parties have been unable to reach agreement on any term or condition of employment, either party can request arbitration by giving written notice to the Secretary of the PSSRB. Such a request can be made at any time, where no collective agreement has been entered into and where no request for arbitration has been made by either party since the commencement of collective bargaining or not later than seven days after any collective agreement is entered into by the parties in any other case.

A request for arbitration must specify what terms or conditions require arbitration. The party making the request must also indicate how it believes the dispute should be settled. Upon receiving such a notice, the Secretary of the PSSRB notifies the other party. This party is given seven days to notify the Secretary of the PSSRB of any further contested subjects, and must indicate its suggestions for the solution of the dispute.

Is this statement correct!

A party requesting arbitration must give written notice, specifying the proposed solution to the disputed matter, to the Secretary of the PSSRB, as well as the other party.

page 66 YES

page 64 NO

Your answer: (2).

No! The employer and the employees are equally represented during arbitration proceedings. Only ONE member from each panel meets with the chairman during actual arbitration proceedings.

turn to page 60

Answer: The Arbitration Tribunal resolves disputes by determining and directing what the settlement will be.

The conciliator attempts to assist the parties in reaching agreement by maintaining negotiations and offering suggestions.

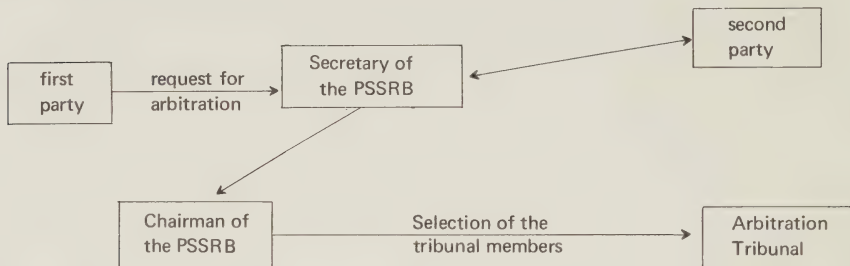
Arbitration, as it pertains to the resolution of labour disputes, may be either voluntary or compulsory. Under the PSSR Act, arbitration is \_\_\_\_\_.

turn to page 61

Your answer: NO

Good! You are correct. It is the Secretary of the PSSRB who notifies the other party, not the party which first made the request for arbitration.

The Secretary of the PSSRB, after receiving a request for arbitration, refers the matter in dispute to the Arbitration Tribunal, and must also, within 14 days, select the members of the Tribunal who will consider the disputed condition or term. The role of the Secretary in the arbitration process could be indicated as follows:



In the arbitration process, the Secretary of the PSSRB acts as a communication link between \_\_\_\_\_ and each of the two parties in dispute.

turn to page 67

Answer: arbitral award

An arbitral award may deal with rates of pay, hours of work, leave entitlements, standards of discipline, and other directly related terms and conditions of employment. The award must deal only with a matter that was in dispute, and must not include a provision that requires legislative action, except for the purpose of appropriating money for implementation.

The Tribunal cannot, however, make any arbitral award that deals with employment *policy*. Thus, the award can't deal with the standards, procedures, or processes governing the appointment, appraisal, promotion, demotion, transfer, lay-off, or release of employees. (Such aspects of employment relate to the application of the merit system of appointment which falls within "staffing", and is under the jurisdiction of the Public Service Commission.)

Draw lines to indicate which parts of the statements belong together.

(1) Possible subject matter of  
an arbitral award are

(a) leave entitlements (i.e.,  
sick leave, annual leave),  
standards of discipline,  
hours of work, rates  
of pay

(2) Aspects relating to staffing  
and which *cannot* be the sub-  
ject matter of an arbitral  
award are

(b) appointment  
lay-off  
transfer  
release

turn to page 71



Your answer: YES.

Wrong! A request for arbitration by either party is given to the Board, and the *Board* then notifies the other party.

turn to page 64

Answer: Arbitration Tribunal.

The Arbitration Tribunal will consider the matters in dispute, as well as any other aspects that the Tribunal considers relevant to the resolution of the disputed topics.

Both parties will be given full opportunity to present evidence and make submissions to the Tribunal.

Further, before rendering a decision (an arbitral award) on any disputed matter, the Tribunal must also take the following factors into account:

- (a) the needs of the Public Service for qualified employees,
- (b) the conditions of employment in similar occupations outside the Public Service, including any relevant geographic, industrial, and other variations,
- (c) the need to maintain appropriate relationships in the conditions of employment as between different grade levels within occupations and as between occupations in the Public Service,
- (d) the need to establish terms and conditions of employment that are fair and reasonable in relation to the qualifications required, the work performed, responsibility assumed, and the nature of the services rendered, and
- (e) any other factors relevant to the matter in dispute.

The decision that the Tribunal makes regarding settlement of the matter in dispute is called an

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turn to page 65

## ANSWERS TO SELF-TEST D

Note: If you are unsure about any particular areas, refer to the page number beside the answer.

1. FALSE — If the parties are having difficulty reaching an agreement, they may request the assistance of a conciliator. If this request has been denied, or if a conciliator has been unsuccessful, or if they decide not to request a conciliator, they then can resort to either arbitration or conciliation. (page 51)
2. FALSE — (page 51)
3. FALSE — The main purpose of the conciliator is to maintain negotiations between the two parties in the hope that the parties will reach an agreement. To help the parties, he can offer *suggestions* as to how the dispute might be resolved. (page 53)
4. TRUE — (page 54)
5. FALSE — If the conciliator was successful, then an agreement has been reached, and there is no need for either arbitration or conciliation.
6. TRUE — (page 55)
7. TRUE — (page 59)
8. TRUE — (page 59)
9. TRUE — (page 67)
10. TRUE — (page 64)
11. FALSE — An arbitral award can deal only with actual working conditions and standards of discipline, and only with the matter that was in dispute — as long as these aspects do not require legislative implementation. (page 65)

Score yourself \_\_\_\_\_ correct out of 11. If you had less than 10 correct, return to page 51 and reread this section. If you had 10 or more correct, you are ready to go on to the next section, starting on page 75.

(Note: This would be a good time for a coffee break.)

You are entirely correct if you realize that NONE of the statements applied. An arbitral award can deal only with a dispute relating to actual working conditions or standards of discipline. If you chose any of the four statements, turn back to page 71. Review the four statements, keeping in mind that they can NOT be the subject matter of an arbitral award.

The Public Service Staff Relations Act provides that an arbitral award is binding on both parties on and from the day that the award was given, or from any other date that the Tribunal specifies.

Any retroactivity is limited to the day on which notice to bargain was given, except in the case where an arbitral award is given during the initial certification period. In this latter case, the award can be made retroactive to 6 months before the day specified in Column II of Schedule B of the Act, after which a collective agreement may be entered into or arbitral award rendered.

An arbitral award, subject to any parliamentary appropriation that may be necessary, must be implemented within 90 days or within such longer period as may, upon application, appear reasonable to the Board.

The arbitral award given by the Arbitration Tribunal is final and binding on both parties.

Is the following statement correct?

A party can appeal or refuse to follow the decision of the Arbitration Tribunal, as it is specified in the arbitral award.

page 70 YES

page 72 NO

Your answer: YES.

Your answer is WRONG! The statement is incorrect, because both parties MUST abide by the decision of the Arbitration Tribunal. The arbitral award is final and binding on both parties.

turn to page 72

Answer:

- |   |        |  |
|---|--------|--|
| (1) Possible subject matter of an arbitral award are  | ←————→ | (a) leave entitlements (i.e., sick leave, annual leave), standards of discipline, hours of work, rates of pay. |
| (2) Aspects relating to staffing and which <i>cannot</i> be the subject matter of an arbitral award are | ←————→ | (b) appointment<br>lay-off<br>transfer<br>release  |

See if you can answer the following question correctly. An arbitral award can have as its subject matter which of the following:

- (a) matters that require legislative implementation
- (b) matters concerning employment policy
- (c) topics which did not initially require arbitration
- (d) matters relating to appraisal, promotion, or demotion.

If any of the statement apply, circle the letter beside each of your choices before turning to page 69.

Your answer: NO.

Entirely so! The decision of the Arbitration Tribunal about the matter in dispute is final and binding. That is, both parties **MUST** comply with the arbitral award.

turn to page 73



**SELF-TEST D**

Answer the following questions with TRUE or FALSE.

1. If initial negotiations have been unsuccessful, the parties may not pass immediately to a conciliation board until a conciliator has been appointed.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
2. A request for a conciliator necessarily results in either arbitration or conciliation.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
3. The conciliator resolves disputes by issuing directives which are binding on both parties.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
4. A request for arbitration or a conciliation board can be made only after a conciliator has failed to resolve the dispute, or if the request for a conciliator has been refused, or decided against.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
5. If a conciliator has been requested, and has been successful, the parties then go on to either conciliation or arbitration.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
6. The decision of the Arbitration Tribunal is final and binding on both parties, whereas the conciliation board report is not.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
7. The employees and the employer are equally represented on the Arbitration Tribunal.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
8. The Arbitration Tribunal resolves disputes by issuing directives which are binding on both parties.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
9. The decision of the Arbitration Tribunal is called an arbitral award.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
10. Where a request for arbitration is made, the Secretary of the Public Service Staff Relations Board will act as the communications link between the employer and the bargaining agent.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
11. An arbitral award can deal with any matter, as long as it does not require legislative implementation  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_

turn to page 68



## DISPUTE SETTLEMENT

### THE CONCILIATION BOARD

In becoming acquainted with the process of collective bargaining, you have thus far read about certification and the process of negotiation for a collective agreement. You are aware that if the bargaining parties are unable to reach an agreement, a conciliator may be requested to assist them. If, even with the aid of a conciliator, the two parties are unable to reach an agreement, you are aware that one of two approaches (arbitration or conciliation) is available for settlement of the dispute. (Recall that the method used is that agreed upon before collective bargaining began). In the preceding section of this manual, you considered the process of arbitration as a method for the settlement of disputes.

Let us now turn to a discussion of the process of CONCILIATION as a method of resolving deadlocks in the establishment of a collective agreement between the employer and the bargaining agent for the employees.

Diagrammatically, the point at which conciliation occurs in the negotiation process could be indicated as follows:



The process of conciliation calls for the establishment of a conciliation board that attempts to help the parties reach a voluntary agreement regarding the disputed matter. As you read on, you will become acquainted with particular aspects of the conciliation process.

**NOTE:** A conciliator may be appointed at the request of one of the parties during negotiations and prior to a dispute being declared.

turn to the next page.

If the two parties are unable to reach agreement during collective bargaining, they may refer the dispute to a conciliation board, if that was the process selected for the settlement of disputes before they began to negotiate.

Either party can initiate the process by notice in writing to the Chairman of the Public Service Staff Relations Board, requesting the establishment of a conciliation board. In general, the Chairman of the Public Service Staff Relations Board is required to establish a conciliation board at the request of either party. In some circumstances, he can, on his own initiative, establish a conciliation board, as long as he notifies the parties of his intention to do so. In all cases a conciliation board will be established only if the Chairman of the Board decides that conciliation board would help reach an agreement and that, without such a board, the parties would be unlikely to reach an agreement. For this same reason, if the Chairman is of the opinion that a conciliation board would be unlikely to help the parties reach agreement, he may decide not to set up a conciliation board — even if one or both of the parties request it.

(Note that if a conciliator has been appointed before the request for the appointment of a conciliation board is made, no board can be appointed until the conciliator has made a final report that he was unable to help the parties reach agreement.)

Write briefly, in your own words, under what conditions a conciliation board would be established:

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turn to page 78

Answer: designated.

A conciliation board consists of three members. Each of the parties nominates one member within 7 days after the Chairman of the PSSRB so requests. These two persons then nominate, within 5 days, a third person, who acts as chairman of the conciliation board. If any or all of the positions have not been filled, then persons will be appointed by the Chairman of the PSSRB.

Choose the better answer to the following statement, then turn to the page indicated.

A conciliation board generally consists of:

page 79 (a) a representative of each party and a chairman nominated by these members.

page 80 (b) persons appointed by the Public Service Staff Relations Board.

Your answer is correct, if it contained, in your own words, the following: "A conciliation board could be established ONLY if the bargaining agent had chosen this method of dispute settlement before the parties began to bargain and further, if a conciliator had been requested, only after the conciliator proved to be unsuccessful.

Because of the right to strike if the conciliation board is unsuccessful in resolving the dispute, a conciliation board may be appointed only after the parties have agreed upon, or the PSSRB has determined, which employees or classes of employees in the bargaining unit are "designated employees". These employees are not allowed to strike in any circumstances, for the performance of their duties is deemed to be necessary for public safety and security. Designated employees are included in the bargaining unit, and are subject to the provisions of the collective agreement.

(NOTE: Persons in managerial and confidential capacities would not be designated, because they do not come under the collective bargaining provisions of the Public Service Staff Relations Act. Since these people are not eligible for collective bargaining under the statute, they are called "excluded".)

Public Service employees whose duties are necessary in the interests of the safety and security of the public are \_\_\_\_\_ by the Public Service Staff Relations Board as those who are not allowed to go on strike.

turn to page 77

Your answer: (a) a representative of each party and a chairman nominated by these members.

You are CORRECT! Generally, each party chooses a member, and these two members, in turn, nominate a third person. The Chairman of the PSSRB will appoint these persons only if the parties fail to do so.

The function of the conciliation board is to assist the parties in resolving their differences and to present a report and recommendations with respect to matters in dispute. (Note that the conciliator and the conciliation board have the same basic function — to assist the parties in reaching an agreement. Both can also offer suggestions. However; the conciliation board carries more weight, and constitutes a more formal step than does the conciliator.)

The conciliation board considers and makes recommendations upon those matters that have been delineated by the Chairman of the PSSRB as the disputed matters. Within 14 days, or any longer period agreed upon, after receiving such a statement, the conciliation board must report its findings and recommendations to the Chairman of the PSSRB.

Choose the correct answer to the following:

The conciliation board attempts to resolve disputes between the two parties by:

page 81 (a) issuing directives that are binding on both parties.

page 82 (b) assisting the two parties in reaching agreement.



Your answer: (b).

Wrong! A conciliation board consists of three members. Each party nominates one member, and these two then nominate a third person, who becomes the chairman. Only if this general procedure is not followed will the Chairman of the PSSRB intervene to appoint the persons who will be on the conciliation board.

turn to page 79

Your answer: (a).

NO! Definitely not! The purpose of the conciliation board is to bring about a VOLUNTARY settlement of the dispute between the two parties. The conciliation board can offer suggestions and make recommendations about how the matter can be settled, but it does not issue directives. (However, if the two parties agree, before the report is issued, to abide by the recommendations of the conciliation board report, that report will then come to have the force of an arbitral award.)

You may have been getting the two methods of dispute settlement mixed up. Arbitration, which you read about in the last section, required that both parties MUST abide by the decision of the Arbitration Tribunal. In conciliation, however, agreement for settlement of the dispute between the two parties must be VOLUNTARY.

turn to page 82

Your answer: (b) assisting the two parties in reaching agreement.

Exactly! This is the main function of the conciliation board. To attain this end, the conciliation board can submit recommendations as to how the matter in dispute can be settled. However, agreement of the two parties to follow the recommendations of the conciliation board must be voluntary.

The report of a conciliation board cannot include any recommendations concerning the alteration or elimination of any existing term or condition of employment, or the establishment of any new condition or term, the elimination or establishment of which would require Parliamentary enactment or amendment of any legislation. This report, thus, cannot contain any recommendations concerning the standards, procedures or processes governing the appointment, appraisal, promotion, demotion, transfer, lay-off or release of employees.

A conciliation board report can contain provisions which deal with which of the following:

(Underline your choices.)

rates of pay; hours of work; leave entitlement (i.e., vacation leave); standards of discipline.

turn to page 85

Your answer: (a) if the Staff Relations Board declares . . . . .

Let's think this through again. To effectively resolve a dispute, both parties must VOLUNTARILY agree to follow the recommendations of the conciliation board. The Public Service Staff Relations Board *cannot* force the parties to accept the report.

turn to page 89

## Answers:

1. A conciliation board would be established ONLY if the two parties had chosen this method of dispute settlement before bargaining began, and further, if a request for a conciliator has been made, only after such a request was refused, or the conciliator had failed to resolve the dispute.
2. maintain negotiations between the two parties by offering suggestions that might result in a solution of the dispute.
3. designated, go on strike.
4. equally represented.
5. conciliation board report.
6. the parties agree, either before or after the report is made, to abide by the recommendations of the conciliation board report.

turn to page 86

Your answer is correct if you underlined ALL four of the choices (rates for pay; hours of work; leave entitlement; standards of discipline). Notice that the provisions of conciliation board report can have the same subject matter as those of the arbitral award.

Upon receipt of the conciliation board report, the Chairman of the PSSRB passes copies of that report to both parties.

If both parties agree to the report, then an agreement has been reached.

There is also another possibility that would result in an agreement at this point. If both parties had, before the conciliation board made its report, agreed in writing that the recommendations of the conciliation board would be binding on both parties, then that report acquires the force of an arbitral award.

Choose the correct answer to the following:

A conciliation board may be effective in reaching agreement between the two parties:

page 83 (a) if the Public Service Staff Relations Board declares that the conciliation board report will have the force of an arbitral award.

page 89 (b) if both parties voluntarily agree, before the report is made, to abide by the provisions of the report.

Agreement to the conciliation board report must be voluntary. It is thus possible that the parties might find the report unacceptable, and the parties are unable to reach agreement, even with the assistance of the conciliation board. If this is the case, the bargaining agent and the employees it represents have the right to strike to enforce their "demands".

As you recall, the process of conciliation as a method of settling disputes allows for the occurrence of a strike. Let us now consider when a strike could occur.

If there is no collective agreement in force, then a strike can occur:

- (a) 7 days after a conciliation board report has been received by the Chairman of the PSSRB, or
- (b) as soon as a request for a conciliation board has been denied.

After an application has been filed asking the Public Service Staff Relations Board to declare unlawful a strike that is in progress, the Board may, after investigation, declare such a strike lawful or unlawful as the case may be.

Choose the correct answer to the following:

If the parties do not accept the report of a conciliation board, the bargaining agent could then:

page 88 (1) request that the dispute be presented for arbitration.

page 91 (2) resort to a strike to enforce its demands.



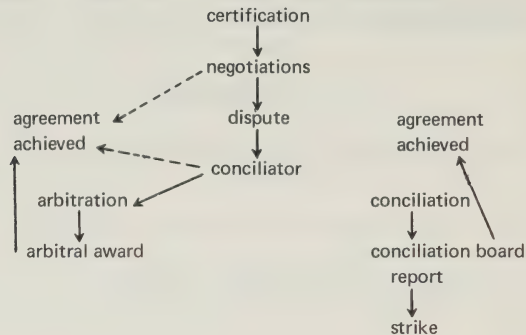
Your answer: NO.

Good! You are correct. The report of a conciliation board is NOT binding on both parties. To reach an agreement in the conciliation process, both parties must VOLUNTARILY agree to the recommendations of the conciliation board report. If this report is unacceptable, then the conciliation process allows for the occurrence of a strike.

turn to page 94

Your answer: (1).

Definitely not. You seem to be a little mixed up. The following diagram may help to clear up any misunderstandings about the steps involved in the bargaining process:



Conciliation and arbitration are entirely different methods of settling a dispute. The conciliation process involves a conciliation board report. If the two parties agree to the recommendations of this report, then an agreement has been made. If, however, the report is unacceptable, then the bargaining agent and the employees whom it represents have the right to strike to enforce their "demands".

Is the following statement correct?

The occurrence of a strike is unlikely, because the report of a conciliation board is binding on both parties.

page 87 NO

page 90 YES

Your answer: (b) if the parties voluntarily agree, before the report is made, to abide by the provisions of the report.

Correct! If the parties voluntarily agree, the report will then become binding on both parties (and can thus be said to acquire the force of an arbitral award).

Complete the following statements about the conciliation process:

1. When could the process of conciliation occur?

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2. The function of the conciliation board is to: \_\_\_\_\_

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3. Before a conciliation board will be established, the \_\_\_\_\_ employees must be specified. These persons are not allowed to \_\_\_\_\_, because the performance of their duties is necessary for the safe functioning of the country.

4. Both the employees and the employers are \_\_\_\_\_ on the conciliation board.

5. Just as the content of an arbitral award is limited, so must the \_\_\_\_\_ make recommendations dealing only with the actual working conditions and standards of discipline.

6. The conciliation process will effectively resolve a dispute only if \_\_\_\_\_

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After completing your answers, turn to page 84.

Your answer: YES.

Let's try it again. For the conciliation process to be successful, both parties must VOLUNTARILY agree to follow the recommendations of the conciliation board report. If the report is unacceptable, the conciliation process then allows for the occurrence of a strike. Again, agreement to the conciliation board report must be voluntary.

turn to page 94

Your answer: (2) resort to a strike to enforce its demand.

Correct! The process of conciliation as a method of settling disputes allows for the occurrence of a strike. If a conciliation board has been established and its report rejected, or if there has been no conciliation board established, the bargaining agent could then call for a strike.

turn to page 94

## ANSWERS TO SELF-TEST E

Note: Page numbers are attached for reference. Use them to review areas which are not clear in your mind.

1. TRUE — (page 76)
2. FALSE — Designated employees are those who are NOT allowed to strike. (page 78)
3. TRUE — (page 77)
4. FALSE — The conciliation board report is NOT binding. Both parties must agree voluntarily to accept the report. (page 79)
5. FALSE — The conciliation board report, in making recommendations as to how a dispute should be settled, can deal only with actual working conditions and standards of discipline. (page 82)
6. TRUE — (page 85)
7. FALSE — The next step available is a strike. (page 86)
8. TRUE — (page 93)
9. TRUE — (page 86)

Score yourself \_\_\_\_\_ correct out of 9. If you had less than 8 correct out of 9, go back and reread this section, starting on page 75. If you had 8 or more correct, you are ready to go on to the next section on page 99.

(Note: This would be a good place to take a break.)

Your answer is correct if you circled only (b) and (c). A strike can lawfully occur either 7 days after a conciliation board report has been received, or, upon notification, where a request for the establishment of a conciliation board has been refused. If you did not choose the two correct answers, or if you chose an answer that should not have been included, turn back and reread page 86 before continuing here.

The right to strike is limited to certain persons. Only those employees who are members of a bargaining unit that has selected conciliation as the method of resolving disputes have the right to strike. Recall that a strike can occur only after the conciliation process has been completed. As has been mentioned before, designated employees cannot strike (for they are necessary for the safety and security of the public).

No employee organization can declare a strike that would cause employees to participate in an unlawful strike, and the officers or representatives of such an organization are forbidden to counsel or procure the declaration of such a strike.

An employee who engages in a strike contrary to the Public Service Staff Relations Act is liable to a fine, upon summary conviction in a court of law, of up to \$100, and the officer of an employee organization who authorizes such a strike, to a fine of up to \$300. An employee organization that authorizes or engages in an illegal strike is liable to a fine of up to \$150 for each day the strike continues. No prosecution can be instituted without the consent of the Board.

Choose the best answer to the following statement.

Employees who cannot participate in a lawful strike are those:

page 95 (a) who belong to a bargaining unit that has gone through the process of conciliation.

page 96 (b) whose duties are necessary in the interest of the safety and security of the public.



Circle your choices to answer the following question.

When can a strike lawfully occur?

- (a) if the process of arbitration has failed.
- (b) 7 days after a conciliation board report is received.
- (c) as soon as a request for a conciliation board has been refused.
- (d) if there is a collective agreement in force.

After you have circled your choices, turn to page 93.

Your answer: (a).

Not correct! You may have misunderstood the question.

Persons who belong to a bargaining unit that has gone through conciliation, and has yet been unsuccessful in reaching a collective agreement, may then resort to a strike. However, there are certain persons who are not allowed to strike at any time.

Turn back to page 93, and choose the answer that names those persons who are not allowed to participate in a strike.

Your answer: (b) whose duties are necessary to the safety and security of the public.

Correct! All designated employees, whose duties are necessary for the safety and security of the public, must be listed before the conciliation process can be started. These persons, because of the required continuance of their duties, are not allowed to go on strike.

turn to page 97

**SELF-TEST E**

Answer the following questions about conciliation by marking TRUE or FALSE in the spaces provided.

1. A conciliation board can be established if a request for a conciliator has been refused, if the conciliator has failed to resolve the dispute, or if there has been no request for conciliation.

TRUE \_\_\_\_\_ FALSE \_\_\_\_\_

2. "Designated" employees are those who can participate in a strike.

TRUE \_\_\_\_\_ FALSE \_\_\_\_\_

3. Each party must be equally represented on the conciliation board.

TRUE \_\_\_\_\_ FALSE \_\_\_\_\_

4. The conciliation board offers suggestions which become binding on both parties.

TRUE \_\_\_\_\_ FALSE \_\_\_\_\_

5. A conciliation board report can contain any provisions that are necessary to obtain an agreement between the two parties.

TRUE \_\_\_\_\_ FALSE \_\_\_\_\_

6. The report of a conciliation board will be binding on both parties only if the parties agree, before or after the report is received, to accept those recommendations.

TRUE \_\_\_\_\_ FALSE \_\_\_\_\_

7. If the parties do not accept the conciliation board report, the next step available in the bargaining process is arbitration.

TRUE \_\_\_\_\_ FALSE \_\_\_\_\_

8. An employee organization that authorizes an illegal strike is liable to be fined upon summary conviction in a court of law.

TRUE \_\_\_\_\_ FALSE \_\_\_\_\_

9. A strike can lawfully occur seven days after a conciliation board report has been rejected, or as soon as a request for a conciliation board has been denied.

TRUE \_\_\_\_\_ FALSE \_\_\_\_\_

turn to page 92



## PART V

### GRIEVANCES AND THE GRIEVANCE PROCEDURE

You have now concluded the discussion on collective bargaining. But there remains another related topic with which you must be acquainted if you are to function effectively in your role as a manager. The topic is that regarding *grievances* and the *grievance process*, as outlined in the Public Service Staff Relations Act.

A grievance can be understood as a written complaint of an employee. It is hoped that such a complaint will not be made until after an attempt has been made to resolve the complaint through discussion with the immediate supervisor. The Public Service Staff Relations Act provides a vehicle whereby disagreements on the application and interpretation of any collective agreement or arbitral award, as well as a broad range of employee grievances, may be resolved in an efficient and orderly manner.

Since 1918, employees have had the right to appeal directly to the Commission against any decisions affecting their interests relating to promotion, demotion, suspension, and dismissal, and, since 1961, the right to appeal against decisions relating to transfer, the denial of an annual increment and release. But outside of this, it was not until the Public Service Staff Relations Act was introduced that Public Servants were given a statutory grievance procedure of the type available to employees covered by collective agreements in the private sector.

To rectify this deficiency, and in the interests of equity and uniformity, it was decided that the collective bargaining legislation should require that all departments and agencies under the Act introduce a standard grievance procedure that would be available to all employees.

Let us now consider what constitutes a grievance, and then, as well, the specific steps in the grievance process.

turn to page 100

As has already been mentioned, a grievance refers to a written complaint of an employee, for which there is no other administrative procedure for redress under any other act.

A grievance may refer to any disagreement on the application or interpretation of a collective agreement or arbitral award as it affects a particular employee. In other words, if an employee considers that any provision of a collective agreement or arbitral award has been interpreted or applied incorrectly, then the employee can file a grievance. However, the Public Service Staff Relations Act expands the definition of a grievance beyond that commonly accepted in the private sector. As well as providing for complaints about the interpretation or application of a collective agreement, a grievance may concern:

- (a) a provision of a statute, of a regulation, by-law, or direction issued by the employer dealing with terms and conditions of employment as it is applied to an employee,
- (b) any other occurrence or matter that affects an employee's terms or conditions of employment, when there is no other administrative procedure for redress.

For any complaint of this sort, the employee is entitled to apply for redress through the grievance process.

The written expression of a complaint of an employee that relates to his terms and conditions of employment could be processed through the \_\_\_\_\_ procedure.

(NOTE: At present a special procedure called a "classification grievance" has been included in the Regulations under the Public Service Staff Relations Act. This one level procedure allows an employee to:

- (a) challenge his position description as an accurate description of the duties he performs, or
- (b) challenge the evaluation of his position, including the assessment of his position as allocated into a particular occupational group and level and the value accorded every factor contributing to the determination of the level.)

turn to page 102

Your answer is correct, if it contained, in your own words, the following: "The subject matter of a grievance can be:

- (a) the interpretation or application of a collective agreement or arbitral award.
- (b) application of any statement regarding terms and conditions of employment that has been issued by the employer.
- (c) any other occurrence or matter that affects an employee's terms or conditions of employment — as long as there is no other administrative procedure for redress."

(There is now an employee classification grievance procedure.)

The right to resort to the grievance process is accorded to all employees who are entitled to collective bargaining under the Public Service Staff Relations Act, *as well as* persons who are "excluded" from the application of the Public Service Staff Relations Act because they are employed in a confidential or managerial capacity.

The Act thus provides a statutory grievance procedure available to "entitled" employees irrespective of any provision or a collective agreement, and even in the absence of any certified bargaining agent to represent them.

Is the following statement correct?

The grievance procedure is available only to those employees who come under the provisions of a collective agreement.

page 104 YES

page 103 NO



Answer: grievance.

On page 100 you read about specific types of complaints that can be presented through the grievance procedure. Specifically, the subject matter of a grievance can relate to:

(Write your answer, in your own words, here.)

- (a) \_\_\_\_\_
- (b) \_\_\_\_\_
- (c) any other matter that affects an employee's conditions and terms of employment.
- (d) classification grievances.

After completing your answer, turn to page 101.

Your answer: NO.

CORRECT! Employees who belong to a bargaining unit and, in addition, EXCLUDED employees (i.e., managerial and confidential employees — who cannot belong to a bargaining unit) can have recourse to the grievance procedure.

So far, you have considered what matters may be raised under a grievance process, as well as which persons are entitled to resort to the grievance process.

There is a very important matter that you must consider now.

There is an overriding condition that limits the subject of a GRIEVANCE that may be processed under the Public Service Staff Relations Act. In effect, this condition is that a grievance cannot be processed as such if an administrative procedure provided for in or under another Act or Parliament allows for redress of that complaint. Particularly involved here are the Public Service Employment Act and the Financial Administration Act.

The types of APPEALS that may be handled by the Public Service Commission under the Public Service Employment Act are those arising out of the application of the “merit” system. They include appeals relating to:

1. *appointment (including promotion)*
2. *demotion or release because of incompetence or incapability*
3. dismissal for violation of provisions of the Public Service Employment Act dealing with political activity.
4. revocation of appointment because of fraudulent practices during an examination held by the Commission.

Under the Financial Administration Act, a person can APPEAL a suspension or dismissal made in the interests of the safety or security of Canada or of any allied state.

(Note: For further discussion on this point, see page XII, “Related Legislation”.)

Complete the following statement in your own words:

An unresolved employee complaint could become the subject matter of a grievance as long as that complaint \_\_\_\_\_

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turn to page 105

Your answer: YES.

WRONG! You seem to have forgotten that persons who are in a managerial or confidential capacity *cannot* belong to a bargaining unit. (They are the EXCLUDED employees.) However, they do have recourse to the grievance procedure. Thus, all persons who come under the provisions of a collective agreement, *as well as* persons employed in a confidential or managerial capacity, have recourse to the grievance process.

turn to page 103

Your answer is correct if it contained, in your own words, the following: . . . as long as that complaint could not be processed for redress through an administrative procedure provided in or under any other Act of Parliament (i.e., the Public Service Employment Act, the Financial Administration Act).

Could the following complaints ultimately be presented to the grievance process?

(Circle the number beside each of your choices.)

- (1) Hausa Gluck feels quite certain that her chances for advancement were prejudicially affected in a competition she entered.
- (2) Inquique Klebe believes that she was released from her position because her supervisor didn't like her, rather than, as she has been told, because she was not capable of handling the job.

turn to the next page

Your answer was correct if you realized that NEITHER of the two cases could ultimately be presented to the grievance process. There are procedures available for redress for both cases under the Public Service Employment Act. If you had circled either of the choices, reread page 103 before continuing here.

Thus far, you have been presented with the following information about grievances:

- (1) The grievance procedure is available to all employees who come under the collective bargaining provisions of the Act, as well as excluded employees (those in managerial or confidential capacities).
- (2) A complaint that can be presented for redress through procedures provided under any other Act of Parliament *cannot* be presented to the grievance process.
- (3) A grievance can consist of an employee complaint in writing regarding:
  - (a) the interpretation or application of an arbitral award or collective agreement,
  - (b) interpretation of any directive issued by the employer that relates to terms and conditions of employment,
  - (c) any other matter that affects an employee's conditions of employment for which there is no other administrative procedure for redress, and
  - (d) his classification.

turn to page 108

On grievances relating to the interpretation or application of a collective agreement or an arbitral award, an employee must, by law, have the approval of, and be represented by, his bargaining agent. In all other cases, an employee may submit his grievance personally, or he may have an employee organization represent him.

Is the following statement correct?

Any employee who is functioning in a managerial or confidential capacity and who has a grievance regarding how a particular provision of a collective agreement or arbitral award is applied to him must be represented by his bargaining agent in the grievance procedure.

page 109 YES

page 111 NO

Let us turn now to the grievance process itself.

The Public Service Staff Relations Board has been empowered to make regulations regarding the procedure for the presentation of grievances. A uniform code for the whole of the Public Service is thus provided.

Specifically, the Board can make regulations about the following aspects of the grievance process:

- (a) the manner and form of presentation of a grievance,
- (b) the maximum number of levels of officers of the employer to whom a grievance may be presented,
- (c) the time within which a grievance may be presented up to any level in the grievance process — including the final level,
- (d) the circumstances in which any level below the final level may be eliminated,
- (e) in any case of doubt, the circumstances in which any occurrence or matter may be said to constitute a grievance.

You will read more about these points as you continue.

But it must be noted here that, even though the Public Service Staff Relations Board may make regulations concerning the grievance process, this does not prohibit such procedures becoming part of a collective agreement. If a collective agreement has provisions inconsistent with the regulations of the Board, the collective agreement will govern. (N.B. Such provisions deal with how a grievance will be processed, and NOT what constitutes a grievance.)

turn to page 107

Your answer: YES.

Come on now. Do employees functioning in managerial or confidential capacities belong to bargaining units? Aren't they the EXCLUDED employees? Since they don't belong to any bargaining unit, how can they be subject to the provisions of any collective agreement? Thus, grievances arising out of interpretation or application of a collective agreement do not occur for excluded employees.

turn to page 111



Your answer: (2).

NO! You seem to have misunderstood.

All communications regarding a grievance, from either the employee presenting the grievance or the management representative at the appropriate level, are transmitted through the immediate supervisor or local officer-in-charge. Thus, if Mr. Derwent wished to present his complaint to the grievance process, he would have to submit copies of the prescribed form TO THE IMMEDIATE SUPERVISOR OR LOCAL OFFICER-IN-CHARGE, who would then transmit this statement of grievance to the representative of management at the appropriate level.

turn to page 114

Your answer: NO.

Exactly! Since persons performing managerial and confidential functions are excluded from belonging to any bargaining unit, and are thus excluded from the provisions of any collective agreement, such persons would have no grievance arising out of the interpretation of a collective agreement. It is only persons who are subject to the provisions of a collective agreement who could have a grievance of this type.

Choose the best answer to the following statement.

A grievance other than one relating to the application or interpretation of a collective agreement or arbitral award can be submitted personally by:

page 113 (a) designated employees and all other employees who come under a collective agreement.

page 115 (b) excluded employees.

page 117 (c) both (a) and (b).

Your answer is correct if you included, in your own words, the following information: Levels in the grievance process refer to progressively higher stages of managerial authority to which an employee can submit his grievance in an attempt to obtain redress.

At all levels, the grievance — both submission by the employee, and replies by management is routed through the immediate supervisor or local officer-in-charge, who is authorized to receive grievances.

All employees must be made aware of the name or title of their immediate supervisor or local officer-in-charge and his address, and the name or title of the person authorized to represent the employer at each level in the grievance procedure. This information will be posted in places most likely to come to the attention of employees.

A complaint not resolved after discussion with the immediate supervisor can be submitted as a grievance at level one. This is done in accordance with the prescribed Public Service Grievance forms.

(NOTE: In a small office, the same person might have to function in the role of immediate supervisor of local officer-in-charge and, as well, in the role of management at level one.)

An employee must submit a grievance,

- (a) where it does not relate to classification or to disciplinary action resulting in discharge, not later than the twentieth (20) day or
- (b) when it relates to classification or disciplinary action resulting in discharge not later than twenty-five (25) days

after the employee becomes aware or is notified of the action or circumstance that gives rise to his grievance. The grievance must be submitted to the immediate supervisor or local officer-in-charge authorized to receive grievance, who will transmit the grievance to the appropriate level of management. Employees should use the Grievance Forms supplied by the employer, however, in the event that a supply of Grievance Forms is not available to the employee at the time he wishes to submit a grievance, his grievance shall not be deemed to be invalid by reason only that it is not in accordance with the form normally supplied by the employer. It will be considered as a grievance so long as the employee indicates the nature of the grievance and the corrective action he seeks.

At the first level, the grievance should be submitted using the official Grievance Presentation Form, and at the second or subsequent levels by using the official Grievance Transmittal Form.

Choose the correct answer to the following statement:

Carey Derwent strongly believes that he is entitled to 1½ days paid vacation more than what his immediate supervisor has calculated. If Mr. Derwent wished to submit a grievance, he would have to contact:

- page 114 (1) his immediate supervisor or local officer-in-charge,
- page 110 (2) the representative of the employer at level one in the grievance process.

Your answer: (a).

NO! What about the excluded employees?

turn to page 117

Your answer: (1) the immediate supervisor or local officer-in-charge.

You are CORRECT! All communication regarding a grievance at all levels is submitted to the immediate supervisor or local officer-in-charge, who then transmits or passes that information to the appropriate parties. Thus, Mr. Derwent, if he wished to process his complaint as a grievance, would have to submit it to his immediate supervisor or local officer-in-charge, who would then pass this notice of grievance to the managerial authority at the appropriate level.

Under the Regulations of the Public Service Staff Relations Act, management is required to respond to a grievance received at any level, within 15 days after the grievance was received at that level, except possibly at the final level, unless otherwise stated in the relevant Collective Agreement.

(You should be aware that, if a response is not made within the specified time, the employee is entitled to present his grievance at the next level. However note that at the final level management MUST respond to the grievance.)

Correct the inaccuracy in the following statement:

Within 15 days after receiving a grievance at each level, unless otherwise stated in a Collective Agreement, a decision about that grievance should be given by a representative of management to the person making the grievance.

turn to page 119

Your answer: (b)

This is NOT the best answer.

Reread page 107 before choosing the BEST answer on page 111.

Your answer: (a).

You seem to have forgotten that EVERY time that an employee submits a grievance to the first or subsequent level, he should

(a) at the first level, submit his grievance using the Grievance Presentation Form or

(b) at subsequent levels, resubmit his grievance using the Grievance Transmittal Form

to his immediate supervisor or local officer-in-charge.

turn to page 120

Your answer: (c): both (a) and (b).

You are correct! All employees entitled to belong to bargaining units – this includes “designated” employees – can have access to the grievance process. Further, those persons who function in managerial and confidential capacities – although they can’t belong to a bargaining unit – can also utilize the grievance procedure for redress of a complaint.

When an employee has a complaint, it is hoped that he will first discuss and try to resolve it with his immediate supervisor. However, he has the right to resort directly to the grievance process.

The grievance process allows for a number of levels to which the grievance can be presented for redress. Each level represents a progressively higher level of managerial authority. The number of levels in the grievance procedure varies from location to location within your department but, in all cases, the maximum number of levels is four.

Complete, in your own words, the following statement:

A grievance can be processed through a maximum of four levels in the grievance process. A “level” refers to \_\_\_\_\_

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After writing down your answer, turn to page 112.



Answers:

1. a written complaint of an employee.
2. (a) application or interpretation of a collective agreement or arbitral award.  
  
    (b) application or interpretation of a statement (statute, regulation, by-law) issued by the employer and dealing with terms and conditions of employment.
3. administrative procedure for redress under any other Act.
4. the application or interpretation of a collective agreement or arbitral award, as it applies to that employee.
5. immediate supervisor or local officer-in-charge.
6. four.
7. decision.
8. Deputy Minister.

turn to page 122

You are correct if you remembered that all communication about a grievance at each level is routed through the immediate supervisor or local officer-in-charge, and not presented directly to the person making the grievance.

If the employee is not satisfied with the decisions given at any level, except the final level, he can return the grievance to his immediate supervisor or local officer-in-charge for processing to the next level by submission of a Grievance Transmittal Form.

The grievance must be presented by the employee at subsequent levels not later than the tenth day after he received a reply to his grievance at the lower level, or not later than fifteen days past the date that the employer was required to reply to the grievance at the previous level.

Choose the best answer:

If management has failed to respond to a grievance at any level, except the final level, the employee can, within a specified time,

page 116 (a) ask the immediate supervisor or local officer-in-charge to process the grievance to the next level.

page 120 (b) resubmit his grievance to the immediate supervisor or local officer-in-charge.

You answer: (b) Resubmit his grievance to the immediate supervisor or local officer-in-charge.

Exactly! At the first level, and at each subsequent level, the employee must submit copies of either the Grievance Presentation Form or the Grievance Transmittal Form, whichever is appropriate to the immediate supervisor or local officer-in-charge.

If management has not given a decision that is satisfactory to the employee, or if he has not received management's decision, then the process can be repeated through a maximum of four levels. The final level involves a decision taken by or in the name of the Deputy Minister.

There are a few important comments that must be made about a grievance that has progressed to the final level. Special care must be taken that a grievance at this level is dealt with in a systematic and appropriate manner – for such departmental decisions could establish service-wide precedents. If the Director of Personnel Services decides that a grievance is of sufficient importance, a management committee under the authority of the Deputy Minister may be established to review the grievance. Depending on the nature of the grievance, any person whose knowledge would be useful can be heard by this committee before a decision is reached.

Because service-wide precedents might be established by decisions at the final level, \_\_\_\_\_  
\_\_\_\_\_ may be established to study grievances.

turn to page 123

Grievances that can be referred to adjudication are those relating to:

- (a) the interpretation or application of a collective agreement or arbitral award, or
- (b) disciplinary action resulting in discharge, suspension, or financial penalty.

In other words, where a grievance concerns the interpretation or application of a provision of a collective agreement or an arbitral award OR disciplinary action resulting in discharge, suspension or financial penalty, and the grievance has not been dealt with to the satisfaction of the employee up to and including the final level, it may be referred to adjudication.

No other grievance can be taken to adjudication; and the process, as far as these other grievances are concerned, ends with the decision of the Deputy Minister or his representative at the final level.

At what point in the grievance process could a grievance be presented for adjudication?

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turn to page 124

It must be noted at this point that the grievance process also provides for ADJUDICATION of *certain types* of grievances after, and even though they may have passed through the final level in the grievance process.

Adjudication is the process established under the Public Service Staff Relations Act by which an employee can have a grievance resolved by an independent third party. Adjudication can occur after a grievance has been presented to the final level in the grievance process, and has not been dealt with to the satisfaction of the employee. Adjudication may be by a board of adjudication or by an adjudicator. The adjudication decision is binding for both the employee and the employer.

Note carefully: If you don't recall the distinction between arbitration and adjudication — return to page 59 for a short review of arbitration before continuing here.

turn to page 121

Answer: management committees.

Complete the following statements about grievances and the grievance process:

1. A grievance refers to \_\_\_\_\_  
\_\_\_\_\_
2. Subject matter of a grievance can be:
  - (a) \_\_\_\_\_  
\_\_\_\_\_
  - (b) \_\_\_\_\_  
\_\_\_\_\_or
  - (c) Any other occurrence or matter that affects an employee's terms or conditions of employment for which there is no other administrative redress, as well as classification grievances.
3. As long as there is no other \_\_\_\_\_  
\_\_\_\_\_ an unresolved complaint could be submitted to the grievance process.
4. An employee must be represented by his bargaining agent, if his grievance concerns the \_\_\_\_\_  
\_\_\_\_\_
5. At all levels, the grievance is routed through the \_\_\_\_\_  
\_\_\_\_\_
6. The maximum number of levels in the grievance process is \_\_\_\_\_
7. Management is required to respond with a \_\_\_\_\_ regarding a grievance at any level.
8. The final level in the grievance process of dealt with by, or in the name of, the \_\_\_\_\_  
\_\_\_\_\_

turn to page 118

You are correct if you included in your answer the following:

"If a grievance is of the type that could be presented to adjudication, this could happen only after the decision has been received from the final level."

As you have already read, not all grievances can be submitted to adjudication. The decision obtained at the final level of the grievance process is final and binding for all grievances, except those which pertain to:

(1) \_\_\_\_\_

\_\_\_\_\_

(2) \_\_\_\_\_

\_\_\_\_\_

After writing your answer turn to page 127.

Your answer: (a).

You may not have been reading carefully. The Board does make regulations concerning grievance procedure. However, similar provisions may be included in a collective agreement. If the provisions in a collective agreement are inconsistent with the regulations of the Board, the collective agreement will govern.

Reread page 129 then choose the correct answer to the statement.



Your answer: (c).

You may not have been reading carefully. The Board does make regulations concerning grievance procedure. However, similar provisions may be included in a collective agreement, and these provisions will overrule those of the Board. On the other hand, the Board has ULTIMATE authority to make regulations concerning adjudication procedure.

turn to page 131

To be correct, your answer should have contained the following information:

"Grievances that can be referred to adjudication are those relating to:

- (a) interpretation or application of a collective agreement or arbitral award, or
- (b) disciplinary action resulting in suspension, discharge or financial penalty."

A grievance relating to the interpretation or application of a collective agreement or arbitral award may be presented for adjudication. BUT, before this can be done, the bargaining agent of the employee must signify its approval and its willingness to represent the employee in the adjudication process. Without such approval and representation of the employee by the bargaining agent, the grievance cannot be referred to adjudication.

Grievances relating to disciplinary action may also be referred to adjudication, but are *not* subject to the above listed restrictions.

In adjudication as in each of the levels of the grievance process, an employee must be represented by his \_\_\_\_\_, if the grievance pertains to \_\_\_\_\_

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turn to page 129

You are correct if you realized that the statement should have read ADJUDICATOR, rather than arbitrator.

The adjudicator must give both parties to the grievance a chance to be heard. After considering the grievance, the adjudicator must render a decision. This decision cannot necessitate the amendment of a collective agreement or an arbitral award. Copies of that decision must be sent to both parties and their representatives, and to the Board.

The decision of the adjudicator is binding on both parties.

Is the following statement correct?

The decision of the adjudicator is final and binding, but the decision of the Arbitration Tribunal is not.

page 133 YES

page 134 NO

Answers: bargaining agent; interpretation or application of a collective agreement or arbitral award.

The process of adjudication of grievances is uniform for all parts of the Public Service. The authority of the Board to make regulations about adjudication is not subject to the provisions of any collective agreement, as is the case with the grievance process up to adjudication, except that the parties to an agreement may specifically name an adjudicator of their own choice to handle grievances under the agreement.

Choose the correct answer:

The Public Service Staff Relations Board has ultimate authority to make regulations concerning:

- page 125 (a) grievance procedure
- page 131 (b) adjudication procedure
- page 126 (c) both (a) and (b)

**ANSWERS TO SELF-TEST F**

Note: Page numbers have been included for reference, if there is any area that you are not clear about.

1. FALSE — Excluded employees, although they do not come under the provision of collective bargaining, can make use of the grievance process. (page 101)
2. TRUE — (page 100)
3. FALSE — Since there is an administrative procedure provided for redress under the Public Service Employment Act, it cannot be presented to the grievance process. (page 103)
4. FALSE — For grievances of this sort, he must be represented by his bargaining agent. Any other grievance can be presented personally. (page 107)
5. TRUE — (page 117)
6. FALSE — All grievances begin with level one in the grievance process, except classification or discharge grievances which go directly to the final level. (page 119)
7. TRUE — (page 112)
8. TRUE — (page 114)
9. FALSE — Only grievances relating to the interpretation of a collective agreement or arbitral award, or relating to disciplinary action can be presented for adjudication. (page 121)
10. FALSE — A decision at the final level is given by, or in the name of, the Deputy Minister. (page 120)
11. FALSE — If a grievance relates to the interpretation or application of a collective agreement or arbitral award, the employee must be represented by his bargaining agent. (page 127)
12. TRUE — (page 128)

Score yourself \_\_\_\_\_ out of 12. If you had less than 10 correct, go back and reread this section, beginning on page 99. If you had 10 or more correct, turn to page 141.

(Note: This is a good place to take a break.)

Your answer: (b) adjudication procedure.

Right you are! The Board has ultimate authority to make regulations concerning adjudication procedure. Although the Board makes regulations concerning grievance procedure as well, these regulations can be overruled by any similar provisions included in a collective agreement.

Adjudicators are appointed by the Governor in Council on the recommendation of the Public Service Staff Relations Board.

Grievances can be heard by

- (a) an adjudicator specified in a collective agreement,
- (b) by an adjudicator selected by the Chief Adjudicator, or
- (c) by a board of adjudication where the parties have mutually agreed to its establishment.

Correct the inaccuracy in the following statement:

On the recommendation of the Public Service Staff Relations Board, the arbitrator who will hear the grievance will be appointed by the Governor in Council.

turn to page 128

## Answers:

1. the grievance has passed through all of the levels of the grievance process, and the employee is not yet satisfied with the decision given.
- 2 You should have chosen (a) and (d). If you were not entirely correct, review pages 100 and 121.
3. bargaining agent; interpretation or application of a collective agreement or arbitral award.
4. adjudicator.
5. binding and final.

turn to page 137

Your answer: YES.

You are NOT correct. Both parties must comply with the decision given EITHER in an arbitral award or by an adjudicator.

turn to page 134



Your answer: NO.

Good. You are correct. *Both* an arbitral award and a decision of an adjudicator are final and binding. That is, both parties must comply with the decision given either in an arbitral award or by an adjudicator.

If the decision requires an action to be taken by the employer, employee, or the bargaining agent, the action **MUST** be taken. If the action is not taken, a complaint may be filed with the Board. A complaint of this sort would be processed by the Board in the same way as any other complaints of unfair practice under the Act.

The Board has the power to issue orders directing persons to comply, and in the event of failure to comply, to report the matter to Parliament.

turn to page 135

Complete the following statements about adjudication of grievances:

1. Certain grievances can be presented for adjudication after \_\_\_\_\_  
\_\_\_\_\_
2. Grievances that can be referred to adjudication are those relating to:  
(Circle the letter beside each of your choices.)
  - (a) Interpretation or application of a collective agreement or arbitral award.
  - (b) interpretation of a directive issued by the employer that deals with conditions and terms of employment.
  - (c) any other matter that affects an employee's terms and conditions of employment, if there is no other administrative process for redress.
  - (d) disciplinary action resulting in discharge, suspension, or financial penalty.
3. In both the grievance process and adjudication of the grievance, an employee must be represented by his \_\_\_\_\_  
if the grievance is one relating to \_\_\_\_\_  
\_\_\_\_\_
4. The \_\_\_\_\_ is appointed by the Governor in Council on recommendation by the Board, unless one is specified in a collective agreement.  
(In the latter case, he would act only in connection with that collective agreement.)
5. The decision resulting from adjudication is \_\_\_\_\_  
\_\_\_\_\_

turn to page 132



**SELF-TEST F**

Answer the following questions with TRUE or FALSE.

1. Only those employees who come under the collective bargaining provisions of the Public Service Staff Relations Act can apply for redress through the grievance procedure.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
2. A grievance can concern the interpretation or application of a collective agreement, an arbitral award, or any directive issued by the employer that relates to terms and conditions of employment.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
3. A grievance arising out of the application of the "merit system" can be presented to the grievance process.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
4. An employee can personally submit a grievance that relates to the interpretation of a collective agreement.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
5. The maximum number of levels in the grievance process is four.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
6. The seriousness of a grievance will determine the level at which the grievance will be presented.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
7. At all levels, a grievance is routed through the immediate supervisor or local officer-in-charge,  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
8. Although at each level management should make a decision, a decision must be given at the final level.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
9. Any grievance that has not been satisfactorily dealt with up to the final level can be presented for adjudication.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
10. Decisions at any level must be given by the Deputy Minister.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
11. For a grievance relating to disciplinary action, an employee must be represented by his bargaining agent during adjudication.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_
12. The decision of the adjudicator is binding on both parties.  
TRUE\_\_\_\_\_ FALSE\_\_\_\_\_

turn to page 130



POST – TEST



## POST-TEST

Instructions: You should answer these questions and record your answers by placing a check (✓) in the space following your choice. If you don't know an answer, indicate this with a question mark.

Remember, this is a SELF-test. It is for your *own* benefit. By your answers to these questions, you will get an idea of your present knowledge about collective bargaining and the grievance procedure.

1. Is the Public Service Staff Relations Board composed primarily of employers and their representatives? YES\_\_\_\_\_ NO\_\_\_\_\_
2. Can the Public Service Staff Relations Board order a person to comply with a decision of the Board? YES\_\_\_\_\_ NO\_\_\_\_\_
3. Could certification be granted to a council of employee organizations? YES\_\_\_\_\_ NO\_\_\_\_\_
4. Must an employee organization be certified before it can negotiate a collective agreement? YES\_\_\_\_\_ NO\_\_\_\_\_
5. Can a bargaining unit be composed of employees from more than one occupational category? YES\_\_\_\_\_ NO\_\_\_\_\_
6. Which part of the Public Service has had statutory guidelines established to facilitate initial certification:
  - (a) that section for which Treasury Board is the employer? YES\_\_\_\_\_ NO\_\_\_\_\_
  - (b) that section under separate employers? YES\_\_\_\_\_ NO\_\_\_\_\_
  - (c) the central administration? YES\_\_\_\_\_ NO\_\_\_\_\_
7. (a) Are occupational categories derived from occupational groups? YES\_\_\_\_\_ NO\_\_\_\_\_
  - (b) Are occupational groups derived from occupational categories? YES\_\_\_\_\_ NO\_\_\_\_\_
8. Can there be more than one bargaining unit within a particular occupational group? YES\_\_\_\_\_ NO\_\_\_\_\_
9. Can a bargaining unit be composed only of supervisors? YES\_\_\_\_\_ NO\_\_\_\_\_
10. Do "bargaining agent" and "bargaining unit" refer to the same group of people? YES\_\_\_\_\_ NO\_\_\_\_\_

go on to the next page



11. Does an employee organization have to be free of employer influence before it will be certified? YES\_\_\_\_\_ NO\_\_\_\_\_
12. Does the bargaining agent have as an exclusive right:
- (a) the right to negotiate a collective agreement that is binding on all the employees it represents? YES\_\_\_\_\_ NO\_\_\_\_\_
- (b) the right to represent employees in the grievance process for a grievance relating to a collective agreement or arbitral award? YES\_\_\_\_\_ NO\_\_\_\_\_
13. Could a representation vote result in revocation of certification? YES\_\_\_\_\_ NO\_\_\_\_\_
14. If a bargaining agent signs an agreement, and subsequently loses its certification, can the incoming bargaining agent decide whether that agreement will remain in force for a limited time? YES\_\_\_\_\_ NO\_\_\_\_\_
15. Must the process to be used for resolution of disputes be specified before bargaining begins? YES\_\_\_\_\_ NO\_\_\_\_\_
16. Can negotiations for a new agreement be initiated at any time during the term of an agreement? YES\_\_\_\_\_ NO\_\_\_\_\_
17. Can the Treasury Board enter into an agreement with a bargaining agent? YES\_\_\_\_\_ NO\_\_\_\_\_
18. Can a collective agreement contain any terms or conditions, even if they might require legislative implementation, if the employer and the bargaining agent agree upon them? YES\_\_\_\_\_ NO\_\_\_\_\_
19. Can the term of a collective agreement be less than one year? YES\_\_\_\_\_ NO\_\_\_\_\_
20. Do the provisions of a new collective agreement have to be implemented before 90 days have elapsed? YES\_\_\_\_\_ NO\_\_\_\_\_
21. Must the parties receive a conciliation board report before they can make a request for a conciliator? YES\_\_\_\_\_ NO\_\_\_\_\_
22. Does the conciliator settle a dispute by issuing directives? YES\_\_\_\_\_ NO\_\_\_\_\_
23. Could a request for arbitration be made as soon as a request for a conciliator has been refused? YES\_\_\_\_\_ NO\_\_\_\_\_
24. Is a strike the next step after arbitration? YES\_\_\_\_\_ NO\_\_\_\_\_
25. Is the Arbitration Tribunal composed of a chairman, and representatives of the party that filed the dispute? YES\_\_\_\_\_ NO\_\_\_\_\_

go on to the next page

26. Has the Arbitration Tribunal the power to direct what the settlement shall be?  
YES \_\_\_\_\_ NO \_\_\_\_\_
27. Does the Secretary of the Public Service Staff Relations Board act as a communications link during arbitration between Arbitration Tribunal and the two parties?  
YES \_\_\_\_\_ NO \_\_\_\_\_
28. Can either party appeal an arbitral award? YES \_\_\_\_\_ NO \_\_\_\_\_
29. Which of the following can be the subject matter of an arbitral award:  
(a) aspects dealing with the standards, procedures, and processes of employment?  
YES \_\_\_\_\_ NO \_\_\_\_\_  
(b) aspects dealing with actual working conditions? YES \_\_\_\_\_ NO \_\_\_\_\_
30. Can the parties resort to conciliation if arbitration has failed?  
YES \_\_\_\_\_ NO \_\_\_\_\_
31. Are employees who are eligible to go on strike called the "designated" employees?  
YES \_\_\_\_\_ NO \_\_\_\_\_
32. Do "excluded" employees belong to a bargaining unit? YES \_\_\_\_\_ NO \_\_\_\_\_
33. Must both parties accept the recommendations of the conciliation board report as final and binding? YES \_\_\_\_\_ NO \_\_\_\_\_
34. Does a conciliation board report contain provisions that deal with actual working conditions and standards of discipline? YES \_\_\_\_\_ NO \_\_\_\_\_
35. Could a strike legally occur if a collective agreement has been in force for more than a week?  
YES \_\_\_\_\_ NO \_\_\_\_\_
36. Does the conciliation process provide for the occurrence of a strike?  
YES \_\_\_\_\_ NO \_\_\_\_\_
37. A grievance could arise out of the interpretation or application of which of the following:  
(a) collective agreement or arbitral award? YES \_\_\_\_\_ NO \_\_\_\_\_  
(b) directive issued by the employer that relates to terms and conditions of employment?  
YES \_\_\_\_\_ NO \_\_\_\_\_
38. Can any employees who do not belong to a bargaining unit resort to the grievance procedure?  
YES \_\_\_\_\_ NO \_\_\_\_\_

go on to the next page

39. Could a complaint concerning appointment to a position be presented to the grievance process?  
YES \_\_\_\_\_ NO \_\_\_\_\_
40. Must an excluded employee be represented by his bargaining agent in the grievance procedure?  
YES \_\_\_\_\_ NO \_\_\_\_\_
41. Is the immediate supervisor or local officer-in-charge the one who makes the decision at any level in the grievance procedure?  
YES \_\_\_\_\_ NO \_\_\_\_\_
42. Could a grievance be presented four times to the grievance process?  
YES \_\_\_\_\_ NO \_\_\_\_\_
43. Does the Deputy Minister make the decision at the final level in the grievance process?  
YES \_\_\_\_\_ NO \_\_\_\_\_
44. In certain cases, could a grievance be presented for adjudication, if the employee is not satisfied with the decision given at the final level?  
YES \_\_\_\_\_ NO \_\_\_\_\_
45. Must an employee be represented by his bargaining agent if the grievance relates to the interpretation or application of a collective agreement or arbitral award?  
YES \_\_\_\_\_ NO \_\_\_\_\_
46. Is the decision about a grievance relating to a collective agreement or an arbitral award, given at the final level binding?  
YES \_\_\_\_\_ NO \_\_\_\_\_
47. Is the decision of the adjudicator binding on both parties?  
YES \_\_\_\_\_ NO \_\_\_\_\_

Instructions: Turn to page 147 and compare your answers with the answers given there. Under the heading "Post-test Score" mark a "C" for each question you had correct, and an "X" for each question you answered incorrectly.

turn to page 147

**ANSWERS TO  
PRE-TEST  
AND  
POST-TEST**



## ANSWERS TO PRE-TEST AND POST-TEST

	Pre-Test Score	Post-Test Score
<b>The Public Service Staff Relations Board – pages 1 to 6</b>		
1. NO	_____	_____
2. YES	_____	_____
<b>Certification – pages 7 to 36</b>		
3. YES	_____	_____
4. YES	_____	_____
5. NO	_____	_____
6. (a) YES	_____	_____
(b) NO	_____	_____
(c) YES	_____	_____
7. (a) NO	_____	_____
(b) YES	_____	_____
8. YES	_____	_____
9. YES	_____	_____
10. NO	_____	_____
11. YES	_____	_____
12. (a) YES	_____	_____
(b) YES	_____	_____
13. YES	_____	_____
14. YES	_____	_____

On this page:  
 Number correct is: \_\_\_\_\_.  
 Number wrong is: \_\_\_\_\_.

On this page:  
 Number correct is: \_\_\_\_\_.  
 Number wrong is: \_\_\_\_\_.

turn to the next page



	Pre-Test Score	Post-Test Score
<b>Negotiation for Agreement — pages 37 to 50</b>		
15. YES	_____	_____
16. NO	_____	_____
17. YES	_____	_____
18. NO	_____	_____
19. NO	_____	_____
20. YES	_____	_____
<b>Dispute Settlement — The Conciliator — pages 51 to 58</b>		
21. NO	_____	_____
22. NO	_____	_____
<b>Dispute Settlement — Arbitration — pages 59 to 73</b>		
23. YES	_____	_____
24. NO	_____	_____
25. NO	_____	_____
26. YES	_____	_____
27. YES	_____	_____
28. NO	_____	_____
29. (a) NO	_____	_____
(b) YES	_____	_____
30. NO	_____	_____

On this page:  
Number correct is: \_\_\_\_ .  
Number wrong is: \_\_\_\_ .

On this page:  
Number correct is: \_\_\_\_ .  
Number wrong is: \_\_\_\_ .





	Pre-Test Score	Post-Test Score
<b>Dispute Settlement – The Conciliation Board – pages 75 to 97</b>		
31. NO	_____	_____
32. NO	_____	_____
33. NO	_____	_____
34. YES	_____	_____
35. NO	_____	_____
36. YES	_____	_____

**Grievances and the Grievance Procedure – pages 99 to 137**

37. (a) YES	_____	_____
(b) YES	_____	_____
38. YES	_____	_____
39. NO	_____	_____
40. NO	_____	_____
41. NO	_____	_____
42. YES	_____	_____
43. YES	_____	_____
44. YES	_____	_____
45. YES	_____	_____
46. NO	_____	_____
47. YES	_____	_____

On this page:  
Number correct is:\_\_\_\_\_.  
Number wrong is:\_\_\_\_\_.

On this page:  
Number correct is:\_\_\_\_\_.  
Number wrong is:\_\_\_\_\_.



PRE-TEST SCORE

Correct	Wrong
page 147 _____	page 147 _____
page 149 _____	page 149 _____
page 151 _____	page 151 _____
TOTAL NUMBER CORRECT IS: _____ (OUT OF 53)	TOTAL NUMBER WRONG IS: _____ (OUT OF 53)

Now turn to page xi at the front of the manual, and continue from there.

POST-TEST SCORE

Correct	Wrong
page 147 _____	page 147 _____
page 149 _____	page 149 _____
page 151 _____	page 151 _____
TOTAL NUMBER CORRECT IS: _____ (OUT OF 53)	TOTAL NUMBER WRONG IS: _____ (OUT OF 53)

The questions in the Post-Test and the Pre-Test are the same. Compare your score on the Post-Test with your score on the Pre-Test above to see how much you have learned.

You should have scored at least 47 correct out of 53 on the Post-Test. If you had scored less than 47, examine the questions you had wrong, and reread the sections of this manual where you had difficulty. The Pre- and Post-Test answers are divided into sections, indicating the appropriate areas in the manual to which you should refer if you had difficulty with the questions about any particular topic.

If you scored 47 or better, turn to page 154.

You have now finished this Self-Instruction Manual on Collective Bargaining and the Grievance Procedure in the Federal Public Service.

This Self-Instruction Manual is designed as an introduction to Collective Bargaining and the Grievance Procedure. It does NOT replace the Public Service Staff Relations Act, assented to February 23, 1967, nor the accompanying amendments — The Public Service Staff Relations Board Regulations and Rules of Procedure, assented to March 30, 1967, and the Public Service Staff Relations Board Regulations and Rules of Procedure, amended, assented to April 26, 1967. In any difference of interpretation that may arise, the Act shall be the final authority.

You are now ready to study these three fundamental documents.

You may wish to keep this manual as a reference book so that you can read selected parts from time to time to clarify your understanding about various aspects of Collective Bargaining or the Grievance Procedure in the Federal Public Service.

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